D.O.
14
116

Dominions
(South African)
No. 4.

Confidential.

Correspondence

[1930–1931]

RELATING TO THE

Territories Administered by the High Commissioner for South Africa

(In continuation of Dominions (South African) No. 3 :
continued by Dominions (South African) No. 5.)

4

DO 116/4

Dominions
(South African)
No. 4.

Confidential.

Correspondence

[1930–1931]

RELATING TO THE

Territories Administered by the High Commissioner for South Africa

(In continuation of Dominions (South African) No. 3 : continued by Dominions (South African) No. 5.)

SUMMARY OF CONTENTS.

PAGE

I. Mineral Concessions and Mining Proclamation in the Bechuanaland Protectorate 1

II. Caprivi Strip—Delimitation of Northern Boundary .. 151

III. Reports:—

(*a*) **High Commissioner's Visits to Bechuanaland Protectorate and Basutoland** 172

(*b*) **Resident Commissioner's Tours in the Bechuanaland Protectorate** 182

(*c*) **Education in Bechuanaland Protectorate and Swaziland** 212

CORRESPONDENCE

[1930-1931]

relating to the

Territories Administered by the High Commissioner for South Africa.

I.—MINERAL CONCESSIONS AND MINING PROCLAMATIONS IN THE BECHUANALAND PROTECTORATE.

D. 14944/29.

No. 1.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA

(Sent 12 noon, 2nd January, 1930.)

[*Answered by No. 2.*]

No. 1. Your despatch of 15th November, No. 611.* Bechuanaland Protectorate Mining Law. Should be glad if you would consult your mining expert and legal adviser on the various proposals put forward in British South Africa Company's memorandum (see my Confidential despatch 6th December, 1928†), and in your Confidential despatch No. 82 of 1st February,‡ and your despatch referred to above, and forward prints of Proclamation revised after such consultation for discussion with British South Africa Company.

Am doubtful whether further provision is not required respecting private lands, since though it is suggested in paragraph 6 of your despatch of 1st February that minerals in these lands would be exploited as portions of larger concessions, it would not appear that mineral right in European blocks and the Tati District can be dealt with on the same basis as mineral concessions in native reserves. Please see in this connexion paragraph 5 of my Confidential despatch 41 of 23 January§ with regard to position of Tati Company.—PASSFIELD.

10141/1.

No. 2.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 10.32 a.m., 10th January, 1930.)

[*Answered by No. 4.*]

10TH JANUARY. No. 5. Your telegram of 2nd January, No. 1.‖ Bechuanaland Protectorate Mining Law. As Malcolm and Clifford (British South Africa Company's Consulting Engineers) are due to arrive at Cape Town on 27th January, Chaplin suggests, subject of course to your final approval, that negotiations with the Company should be concluded here. Are you and the London directors agreeable to this? With reference to the question of workmen's compensation referred to in your telegram No. 89 of 1st November,¶ I propose to deal with this question in separate legislation.—ATHLONE.

* No. 54 in Dominions (South African) No. 3. † No. 24 in Dominions (South African) No. 3.
‡ No. 28 in Dominions (South African) No. 3. § No. 26 in Dominions (South African) No. 3.
‖ No. 1. ¶ No. 53 in Dominions (South African) No. 3.

10141/2.

No. 3.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 11.17 a.m., 14th January, 1930.)

[*Answered by No. 4.*]

14TH JANUARY. No. 6. My telegram No. 5 of 10th January.* It is proposed to discuss the new mining concession to replace agreement between Khama and British South Africa Company in Kgotla at Serowe about 27th January. Resident Commissioner feels that there is a possibility of reaching agreement if we promised the tribe that they would be compensated in land along either Botletle or Nata River for any disturbance caused by mining to their cattle, post-compensation in land award to be subject to approval of the High Commissioner.

As possibility of disturbance extremely remote, considerable undertakings could safely be given, more particularly as successful mining operations would more than compensate for the surrender of land to the north of these rivers.—ATHLONE.

10141/1.

No. 4.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 4.5 p.m., 21st January, 1930.)

No. 7. YOUR telegram 10th January, No. 5.* British South Africa Company have been consulted and it is agreed that Bechuanaland Protectorate Mining Proclamation should be discussed with Malcolm and Clifford on understanding that any conclusions arrived at during such discussion must be regarded as provisional and subject to my approval and to any further views which the Board of the British South Africa Company may then submit to me. Views expressed in my previous communications on this subject will no doubt be carefully borne in mind.

I have no objection to course proposed in your telegram of 14th January, No. 6.† —PASSFIELD.

10141/3.

No. 5.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 5.35 p.m., 5th February, 1930.)

[*Answered by No. 8.*]

5TH FEBRUARY. No. 14. Your telegram 28th September, No. 80.‡ Chief Tshekedi has again applied for permission to proceed to England, and though object of visit is not stated it may be assumed that he will ask for an interview with you. Application follows on visit of the Chief to Capetown where I granted him an interview, and certain correspondence took place which will be forwarded to you by the next mail. I communicated to him substance of your telegram above referred to, and at the same time I pointed out to him that his decision to appeal to Privy Council against Judgment given by Special Court in the Ratshosa case may provoke adverse comments on the wide powers claimed by Chief and compel the Government to take immediate steps to curtail them besides involving Tribe in heavy expense with little prospect of recovering costs from Ratshosa if he wins.

* No. 2. † No. 3. ‡ No. 52 in Dominions (South African) No. 3.

At an interview he presented me with letter which showed distrust of the High Commissioner and Government and that he had been misled by his advisers as to our attitude regarding Khama Concession. I therefore took the opportunity of putting in writing statement of the position as it actually exists. I informed him that the Concession was matter between him and British South Africa Company and that he was free to take whatever action he thought fit. No right of Bamangwato would be taken away by the Mining Proclamation, which would not be applied to the Reserve unless the British South Africa Company started mining there. I emphasized that there was no intention to bring pressure on the Tribe who would come under the Law just like all other inhabitants of the Protectorate. He has since withdrawn objectionable letter. I do not consider that any good purpose would be served by the Chief visiting England now. Appeal to the Privy Council might warrant his presence in London but will not presumably be heard for some time, and undesirable that he should idle about in England awaiting case for any considerable period. It might, however, be convenient to you if the case could be timed to take place about July when the Resident Commissioner and Imperial Secretary will be in England. As will be seen from my despatch 16th August last No. 444,* I was formerly in favour of your granting the Chief an audience but in view of your objection to this and recent unsatisfactory behaviour I have told Tshekedi that I cannot recommend his application to see you, pointing out that position with regard to the Mining Law and Khama Concession has been explained to him with the utmost care here, and he has been informed that you cannot add anything to what you have said in your telegram of 28th September regarding political future of the Protectorate.

If, however, it is deemed advisable for you to grant interview in order to satisfy Chief, and to anticipate an agitation by members of the London Missionary Society, who are advising and encouraging him in his desire to proceed to England for the purpose of appealing to His Majesty's Government in order to enlist assistance in his effort to put an end to the British South Africa Company's mining rights, I consider it important that you should adhere firmly to your view that the mining question cannot be discussed in London, and that you are not prepared to review, or alter, decision of the High Commissioner, given with your approval, that as the Chief is not prepared to sign the new Agreement Government cannot further intervene, and that there are only two courses left open to him (1) to take steps with a view to termination of the Agreement giving requisite notice to the Company, or (2) to allow existing Agreement to stand and to leave it to the Company to proceed to exercise their rights thereunder if they see fit to do so. Any other course would seriously weaken authority and position of the High Commissioner in his dealings with native chiefs not only in Bechuanaland Protectorate but also in other Territories. Reply by telegraph as soon as possible.—ATHLONE.

10141/8

No. 6.

LONDON MISSIONARY SOCIETY

to

DOMINIONS OFFICE.

[*Answered by No. 9.*]

Livingstone House, Broadway,
Westminster, S.W.1.,
11th February, 1930.

SIR,

FURTHER to the letter of my colleague Mr. F. H. Hawkins of the 12th August last,† in reference to Mining Concessions and other matters, as to which Tshekedi, the Chief of the Bamangwato in the Bechuanaland Protectorate, has been in consultation with the High Commissioner of South Africa, may I say that I have received the information that the Chief is coming to England and will probably arrive in London about the 18th or 19th March, and hopes to have the opportunity of placing certain facts before the Secretary of State. The London Missionary Society has been at work in Bechuanaland for more than one hundred years, and is accordingly deeply interested in all that concerns the Bamangwato and the other tribes of the Protectorate, and I

* No. 49 in Dominions (South African) No. 3. † D. 9982/29 : not printed.

write accordingly to request that the Secretary of State will grant Tshekedi an interview, and that the matter be not dealt with until the Chief has had this opportunity.

In making this request I recall the excellent results which followed the interviews between Tshekedi's father, the late Chief Khama, with Mr. Secretary Chamberlain thirty-four years ago

I am, &c.,
A. M. CHIRGWIN
(Foreign Secretary).

10141/9.

No. 7.

ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY

to

DOMINIONS OFFICE.

[Answered by No. 10.]

Denison House,
296, Vauxhall Bridge Road,
London, S.W.1, 12th February, 1930.

My Lord,

Our Committee is seriously concerned at reports which it is receiving upon certain conditions in Bechuanaland, but there is one matter of exceptional urgency, upon which we are directed to ask whether you could give us any information.

According to reports supplied to us, there are two Directors of the British South Africa Company now in Bechuanaland endeavouring to secure from the Bamangwato Tribe a mining agreement permitting mining for gold and other minerals in their territory. If this fact stood alone, our Committee might not venture to approach you, but the seriousness of the situation arises from the fact that Government Officials appear to be putting strong administrative pressure upon the Chiefs and people, in order to compel them to sign this concession. It is asserted that the Imperial Secretary has himself gone to the extreme length of giving the Chief an ultimatum that this must be signed before the end of this month, failing which the High Commissioner will issue a proclamation giving the Company the right to proceed.

It is also asserted that a public meeting is to be held in Serowe to-morrow week, Thursday, 20th February, and that at this meeting the Resident Commissioner will be present to urge the people to put pressure upon their Chief to compel him to sign the concession. Our Committee finds it difficult to believe that the High Commissioner can be aware of the manner in which his name is being used, or that the Secretary of State has given any sanction for the use of administrative machinery to compel signature in the interests of a private Company.

In view of the extreme urgency of this question, we beg leave to ask whether any information upon the matter can be given to our Society.

We have, &c.,
TRAVERS BUXTON
(Hon. Secretary).
JOHN H. HARRIS
(Parliamentary Secretary)

10141/4.

No. 8.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 2.30 p.m., 13th February, 1930.)

[Answered by No. 12.]

No. 15. Your telegram 5th February, No. 14.* I adhere to view expressed in my telegram 28th September, No. 80,† that Tshekedi should be discouraged from his intention to come to England at the present time. He should again be informed

* No. 5. † No. 52 in Dominions (South African) No. 3.

that, so far as the mining question is concerned, there is nothing that I should be able to add at an interview to what has already been communicated to him by you, and that such an interview would therefore serve no useful purpose.

I also agree with you in thinking that it would be undesirable for him to come to London now in connection with appeal to Privy Council in the Ratshosa case. I approve the language which you held to him with regard to possible results of his action in appealing to the Privy Council, and shall be glad to be informed whether your representations have any effect. In any event, however, it is impossible to foresee at present when the case would be heard, and it is clearly undesirable that he should wait here for it indefinitely.

Even if he decides to proceed with his appeal, there seems to me no sufficient reason for his personal presence in this country at the time of hearing, but if he persists in his present attitude, and presses to be allowed to come here for the appeal on the ground that his interests would otherwise be prejudiced, question can then be further considered. If he came for appeal and thereupon sought interview with me after arrival, it would probably be impracticable to refuse it.

It would be best, therefore, not to inform him that I would in no circumstances see him, but the uselessness of his coming now should be impressed on him and he should be strongly dissuaded from doing so.—Passfield.

10141/8.

No. 9.

DOMINIONS OFFICE

to

LONDON MISSIONARY SOCIETY.

[Answered by No. 15.]

Sir,

Downing Street, 18th February, 1930.

I am directed by Lord Passfield to acknowledge the receipt of your letter of the 11th of February* stating that Tshekedi, the acting Chief of the Bamangwato Tribe in the Bechuanaland Protectorate, is shortly proceeding to England and asking that he may be granted an interview by the Secretary of State with reference to mining concessions and other matters when he reaches this country.

2. In reply, I am to state that the Secretary of State is at present in telegraphic correspondence with the High Commissioner for South Africa regarding Chief Tshekedi's proposal that he should shortly visit this country. The question of his being granted an interview by the Secretary of State must necessarily depend upon what is finally decided as regards the Chief's suggested visit to England. It would appear, however, from the request which is made in your letter that the question of mining concessions in the Bamangwato Reserve should not be dealt with until the Chief has had an opportunity of seeing the Secretary of State, that your Society is under some misapprehension in regard to this matter. The position is, briefly, that it has been proposed, on behalf of the British South Africa Company, to the Chief that he should conclude an agreement with the Company relating to the working of minerals in the Bamangwato Reserve in substitution for the mining concession granted to the British South Africa Company in 1893 by Khama, formerly Chief of the Bamangwato. The High Commissioner for South Africa, while advising the Chief to accept the proposed new agreement on the ground that it is more favourable to the Bamangwato tribe than the existing Concession granted to the Company, has made it clear to him that no pressure is being put on him by the Government to sign the new agreement, and that it rests with the Chief and the tribe to decide what action to take in the matter.

3. If your Society should wish to send a representative to this Office to discuss the matter more fully, Lord Passfield would be glad to depute an officer of this Department to see him.

I am, &c.,
E. G. MACHTIG.

---

* No. 6.

10141/9.

No. 10.

DOMINIONS OFFICE

to

ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY.

[*Answered by No.* 11.]

Sir, Downing Street, 18th February, 1930.

I am directed by Lord Passfield to acknowledge the receipt of your letter of the 12th of February* with regard to mining concessions in the Bamangwato Reserve in the Bechuanaland Protectorate, and to inform you that the facts of this matter are, in brief, as follows:—

2. The British South Africa Company hold a concession to mine gold and other minerals in the Bamangwato Reserve, this concession having been granted to them in 1893 by Khama, a former Chief of the Bamangwato tribe. Recently it has been proposed, on behalf of the Company, to the present acting Chief Tshekedi that he should conclude a fresh agreement with the Company relating to the working of minerals in the Bamangwato Reserve which would replace the 1893 Concession. The High Commissioner for South Africa has discussed this question personally with the Chief Tshekedi and, while advising the Chief to accept the proposed new agreement on the ground that it is more favourable to the Bamangwato tribe than the existing Concession granted to the Company, has made it clear to him that it rests with the Chief and the tribe to decide what action to take in the matter, and that no pressure is being put on him by the Government to sign the new agreement.

3. It is thus incorrect to say that the Government is putting strong administrative pressure upon the Chief to sign the proposed new agreement, and the report, referred to in your letter, that the Chief has received an ultimatum from the Government that the agreement must be signed by the end of this month, failing which the Government will issue a proclamation giving the Company the right to proceed, is clearly unfounded. As regards your reference to a proposed public meeting at Serowe on 20th February in regard to this matter, I am to say that the Secretary of State has been informed by the High Commissioner for South Africa that he had proposed to summon the tribe to a meeting at which the terms of both agreements and the benefits of the proposed new agreement would be explained by the Resident Commissioner, but that this meeting was subsequently cancelled.

I am, &c.,
E. G. MACHTIG.

10141/20.

No. 11.

ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY

to

DOMINIONS OFFICE.

[*Answered by No.* 17.]

Denison House, 296, Vauxhall Bridge Road,

Sir, London, S.W.1, 19th February, 1930.

We beg to acknowledge, with thanks, your letter† which confirms our view, namely, that there has been some serious misunderstanding with regard to the situation in Bechuanaland.

We find this confirmation in the latter part of paragraph 2 of your letter, in which you say that the High Commissioner "has made it clear to him (the Chief) that it rests with the Chief and the tribe to decide what action to take in the matter, and that no pressure is being put on him by the Government to sign the new agreement."

We enclose for your perusal a copy of an account supplied by the Chief, of his interview with the Imperial Secretary. We think you will agree that if this is a correct record of the proceedings, the very strongest possible pressure was put upon

* No. 7. † No. 10.

6

the Chief by the Imperial Secretary, in order to secure his signature to this agreement, a position which is clearly in conflict with the statement made in your second and third paragraphs.

Our Committee will learn with gratification that the meeting on the 20th of this month has been cancelled.

TRAVERS BUXTON
(Hon. Secretary).
JOHN H. HARRIS
(Parliamentary Secretary).

Enclosure in No. 11.

MEMORANDUM.

Cape Town, 20th January, 1930.

ABOUT 10 a.m. this morning the Imperial Secretary telephoned to me to be at his office at about 11.30.

I did not get to his office until 11.45. In the Imperial Secretary's office were seated the Imperial Secretary, the Resident Commissioner Colonel Daniel, I had with me my Secretary Tlhankane Mathoame.

The Imperial Secretary opened the interview by stating that about the 6th October last His Excellency the High Commissioner had given to me verbally the cable message received from the Dominion Office in London in reply to my request to see the Secretary of State on certain questions affecting the future of my country, and that in accordance with my request he had promised to send me the message in writing, the Imperial Secretary had now got the said message in front of him, but he went on to explain the contents of the message. In explaining the said message Captain Clifford stated that the Secretary of State owing to his previous experiences of the visits of the Protectorate chiefs to London, amongst which was Sobuza the Swazi Paramount Chief, he did not think it necessary that Tshekedi should undertake to have the same experience as the other chiefs for their visits did not prove of any help to them or their tribes and on the contrary the visits had proved very detrimental to the welfare of the tribes as they had involved considerable expenses which resulted in the tribes being called out to pay unregulated taxes and the High Commissioner had to make proclamations forbidding the imposition of such taxes. Captain Clifford went on to explain that he saw no purpose of my desire to get to London as the Secretary of State would only refer me back to South Africa and therefore the visit will only lead me to unnecessary great expenses. With regard to our probable inclusion into the Union Government he explained—the Dominion Office states that there is no question at present, or in the near future, of the Protectorate being included into the Union and when the question does come up the natives of the Protectorate will be well advised before the actual incorporation takes place, and their views would be well considered before anything was done.

To the last mentioned statement I stated that the same statement had been made by the previous several High Commissioners and to our point of view it was not satisfactory. Captain Clifford coming back to the mineral question stated that I had kept the High Commissioner waiting far too long for my decision in regard to the mineral question. It was now very necessary that I should give my decision on the two points which were: I had to give the Company notice that I was cancelling the old concession or I had to sign the proposed agreement. On these two lines I had to make my decision and now the question had come to the point where the High Commissioner could not wait any longer. I had to give my decision before the end of February otherwise the High Commissioner was going to issue mining Proclamation in regard to the existing Concession, he did not like it, but he would be forced to do it. The Imperial Secretary went on to say that there were two men recently come from England who were connected with the B.S.A. Co., and these two were going to see the High Commissioner on the 28th of this month: the Company had been told that the mining Proclamation would be issued soon on several occasions, but now the two men referred above wish to know when the Mining Proclamation would be issued. I must understand, Captain Clifford went on to explain, that the High Commissioner only did this to give me time to decide which of the two courses mentioned above I would take.

In reply to the repeated remark I mentioned that the same position had been put before me several times before and although I was not for the moment prepared to discuss the question as I had come to Cape Town on my own private business and not to interview the High Commissioner, I could say that I was not either going to give notice to cancel the Concession or sign the new one but I was going to take entirely

a different course, Captain Clifford explained that the High Commissioner had always tried to help me but he feels that I am not inclined to assist him.

I asked what assistance was wanted from me, and I got the reply that the assistance in connection with the mineral question. I replied that I would be telling the High Commissioner a lie if I were to say that I believe mining was going to bring any benefit to the tribe. Captain Clifford then suggested that the Resident Commissioner Colonel Daniel should hold a public meeting with the Bamangwato Tribe to explain the terms of the proposed new agreement. I replied that I had no objection.

In the course of an interview remarks were made by the Imperial Secretary that I should understand that the High Commissioner could throw the country open to mining developments if he wished to, to which reply I said I was quite aware of the great power of the High Commissioner and knew very well that he can remove the Bamangwato Tribe from their land if he wished to, but that knowledge cannot stop us from saying what we feel about this mining question.

Several other questions were referred to, and before the close of the meeting Captain Clifford asked me whether I would see the High Commissioner before I left, I replied that I had nothing to interview him about, the Imperial Secretary then said I should tell him when I was leaving back for Serowe, I promised I would. Before we left the office the Resident Commissioner suggested whether it would not be convenient to hold the proposed public meeting about the 20th of February, I said I had no objection to the date mentioned.

This concluded the interview and it was 1 o'clock when we left the room.

P.S.—During the interview Captain Clifford had occasion to leave the room and during his absence the Resident Commissioner Colonel Daniel remarked that they did not understand why I always insisted that Communications should be made to me in writing they felt that it was a sign of a lack of confidence on the Officials.

I replied to the remark that my intention was only to have a record of what takes place—moreover I was acting for somebody and it was my desire to have everything I did before him in order to explain it.

Reference was made by the Resident Commissioner that Chief Khama used to discuss the questions without wishing them to be on paper and he never took exception to him being taken unaware to discuss any matter.

I replied that times had changed.

TSHEKEDI KHAMA.
21st January, 1930.

10141/24.

No. 12.

TELEGRAM
from
HIGH COMMISSIONER, SOUTH AFRICA.
(Received 5.17 p.m., 20th February, 1930.)
[*Answered by No.* 14.]

20TH FEBRUARY. No. 24. Your telegram 13th February, No. 15.* Resident Commissioner, Bechuanaland Protectorate, who has explained the position to Tshekedi on the lines of your telegram(s), reports that no arguments can shake his determination to proceed at once to England unless definitely forbidden to do so. His attitude is that he has not been able to agree with the Government in South Africa, and now asks to see the Secretary of State merely to register his views, and failing permission to see you he asks leave to proceed to England on holiday. He made no point of wishing to go on account of his interest in the Appeal Case. Daniel's impression is that the chief regards with suspicion the advice not to go to England, and he considers that if the Chief is allowed to see you, even though nothing else is conceded, it would have the effect of restoring his confidence in the Administration.

In all the circumstances I recommend that the desired permission should be given forthwith, and that the Chief should be informed that you will grant him an interview.

* No. 8.

I will arrange for Nettelton, Magistrate at Serowe, who is first-class linguist, to accompany Tshekedi, as although I understand Jennings is going with him I consider it desirable that responsible official should look after the party on the journey, and whilst in England, and also act as official interpreter at interview with you. I think it important also that someone who is acquainted with the course of negotiations here should be available for consultation at the Dominions Office while the Chief is in England. It is not possible for the Imperial Secretary to be away during the next few months, and I propose to arrange for Eales to proceed to England at the same time as the Chief. In addition to his knowledge of what has taken place here, Eales is acquainted with my views on various questions which the Chief might be expected to raise, and I think that it is essential that he should be available at the Dominions Office for the purpose of consultation.

Chief has booked passage by steamer due to leave Cape Town 28th February, but, if you agree, I propose to tell him that it would be more convenient to you if he arrived in England at the end of March. He could then sail from Cape Town on 14th March and leave England for return journey on either 11th April or 18th April. Should be glad if reply could be sent to reach me on the morning of 22nd February as immediate communication must be sent to the Chief in order to postpone his departure.—ATHLONE.

10141/22.

No. 13.

DESPATCH
to
HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 52.)

MY LORD, Downing Street, 20th February, 1930.

WITH reference to my telegram of the 20th February.* I have the honour to transmit to you copies of questions asked in the House of Commons on 17th February† and 19th February regarding the proposed grant to the British South Africa Company of a revised mining concession in the Bamangwato reserve, and the replies given, together with copies of correspondence‡ on the matter which has passed with the London Missionary Society and the Anti-Slavery and Aborigines Protection Society.

2. I also take the opportunity of enclosing the article by Mr. J. H. Harris in the *Manchester Guardian* of 18th February† which is referred to in your telegram of 19th February* and in my reply of 20th February.*

I have, &c.,
PASSFIELD.

[10141/19.]

Enclosure in No. 13.

HOUSE OF COMMONS.

EXTRACT FROM OFFICIAL REPORT OF 19TH FEBRUARY, 1930.

Mr. LUNN: The agreement which has been proposed to the Chief of the Bamangwato tribe is one to be substituted for the existing mineral concession granted to the British South Africa Company by Chief Khama in 1893. The question has arisen in connection with the proposed issue of a proclamation regulating mining in the Bechuanaland Protectorate, a matter which has been under consideration for some years, and is still being discussed with the British South Africa Company, who are interested, by virtue of the concessions and rights which they hold in the Protectorate. The proclamation, which will be referred in draft to the Secretary of State for approval before it is issued, is to be in a form in which it could be applied separately to Crown lands and to native reserves, the intention being that, before it is applied to the

* 10141/22: not printed. † Not printed here. ‡ Nos. 6, 7, 9 and 10.

reserves, the old concessions held in the reserves should be revised so as to make them more favourable to the natives.

The Chief of the Bamangwato reserve was reluctant to enter into a new agreement with the company, and was granted an interview in the matter with the High Commissioner for South Africa on the 7th of August. The High Commissioner, while advising the Chief to accept the new agreement on the ground that it was more advantageous to the Bamangwato tribe than the existing concession of 1893, made it clear to him that no pressure was being placed upon him by the Government to sign it, and that the decision rested entirely with the Chief and the tribe. There is no reason to suppose that this was misunderstood by the Chief, but he subsequently intimated that he wished to proceed to England for discussion with the Secretary of State. The Secretary of State deprecated this proposal, on the ground that he could not at an interview add to the full explanation already given to the Chief by the High Commissioner, who is fully acquainted with the position and with the views of His Majesty's Government; and it is not known yet whether, in the circumstances, the Chief has decided to come to England. As regards the reference to a public meeting to be held at Serowe on the 20th of February, the Secretary of State is informed that this meeting, which the High Commissioner had proposed to summon in order that the terms of the agreements could be explained to the Bamangwato tribe, has been cancelled.

10141/24.

No. 14.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 5.40 p.m., 21st February, 1930.)

No. 20. Your telegram 20th February, No. 24.* I concur in your view that Tshekedi should in the circumstances be allowed to proceed to England, and I approve your proposal that Eales and Nettleton should accompany the party. I am inclined to agree with you in thinking that it would be more convenient if he sailed on 14th March rather than on 28th February, I am assuming that in view of nature of visit it is not desired that we should make arrangements for accommodation of Chief in London, and that you contemplate charging to funds of Bechuanaland Protectorate expenses of officials accompanying Chief.—PASSFIELD.

10141/26.

No. 15.

LONDON MISSIONARY SOCIETY

to

DOMINIONS OFFICE.

Livingstone House, Broadway,
Westminster, S.W.1, 21st February, 1930.

SIR,

MAY I acknowledge the receipt to your letter of 18th February?† I appreciate your courtesy in replying so fully, and particularly the suggestion that if this Society should wish to send a representative to your office the Secretary of State would be glad to depute an officer of the department to see him. I do not think we need trouble you at this stage, but perhaps I may have the honour of communicating with you later on this matter.

I am, &c.,
A. M. CHIRGWIN
(Foreign Secretary).

---

* No. 12. † No. 9.

10141/27.

No. 16.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 25th February, 1930.)

(Bechuanaland Protectorate.)
(No. 76.)

High Commissioner's Office,
Cape Town, 7th February, 1930.

MY LORD,

WITH reference to my telegram No. 14 of 5th February,* I have the honour to report that the Resident Commissioner and the Assistant Resident Commissioner of the Bechuanaland Protectorate arrived in Cape Town on the 10th of January and during their stay a number of questions relating to the affairs of the Chief Tshekedi and the Bamangwato Tribe were discussed with them.

2. The Chief has recently shown a disinclination to spend the sum of £650 which had been put at his disposal from the Native Fund for water improvements at Serowe on the grounds that this amount represented a negligible fraction of the total amount contributed to the Fund by the Tribe and that the Government had specified the manner in which the money was to be spent instead of leaving it to the Chief to decide where it would be most usefully and urgently employed. The Chief concluded a letter on this subject by saying that he desired to be taught how to govern but had no wish to be governed.

3. While the discussions were taking place in Cape Town the Resident Magistrate at Serowe reported by telegraph that the Chief Tshekedi had left for Kuruman to interview the Reverend Albert Jennings on the subject of Minerals and on the Ratshosa question. Shortly afterwards the Magistrate reported that the Chief had returned from Kuruman and was proceeding to Cape Town (where he arrived on 19th January) to consult Advocate Buchanan about the Mineral Concession of the British South Africa Company stating that he wished to make progress with this question. This inclination led me to believe that at last they were on the eve of coming to a decision on this matter one way or the other and I welcomed the prospect of reopening the question as I have long felt that even if the Imperial Government's offer to assist the Companies to obtain the Mineral Concessions from the Chief were no longer to be regarded as binding the Companies might nevertheless reasonably expect the promulgation of the Mining Law for which they have asked for so many years. And I consider that it is not in the interests of the Territory that the present uncertainty in regard to the ownership of the mineral rights in the Bamangwato Reserve should continue to hold up legitimate mining operations in other parts of the Protectorate.

4. I have already expressed the view which has been endorsed in your telegram No. 65 of the 1st August† that mining operations carried on under an equitable concession and subject to rigid administrative control on behalf of the Natives would be of benefit to the Tribe, and in spite of past disappointments I decided to make a final effort to induce the Chief to adopt a definite line of action and to urge him either to accept a new agreement with the Company or to give 12 months' notice of his intention to terminate the original concession.

5. When the Chief arrived in Cape Town he had an interview with the Imperial Secretary at which the Resident Commissioner was present. At the beginning of this interview the Imperial Secretary handed the Chief my letter of the 20th of January in which I repeated to the Chief the reasons why you felt unable to accede to his request to proceed to England in order to discuss the political future of the Territory and the Khama Mining Concession. The Imperial Secretary explained that this letter had been written in response to his request that I should communicate your decision in writing and that I had availed myself of the opportunity to refer in it to his appeal from the judgment of the Special Court in connexion with the Ratshosa case because I wished to place on record that he had not consulted the Government before lodging this appeal which was certain to give publicity to the very wide powers enjoyed by Bechuanaland Chiefs over their people and would probably compel the Government to take steps to curtail these powers to a greater extent and more rapidly than they had formerly intended. As for the appeal itself the letter also stated that I thought the appeal, if lost, would enhance the position of the Ratshosas and, if won, would serve

---

* No. 5. † No. 48 in Dominions (South African) No. 3

no useful purpose and would in either case involve the Tribe in heavy expenditure without any prospect of being able to recover costs from the Ratshosas. It was, however, most carefully explained to the Chief that I have no wish to prevent him carrying on with his appeal but merely desire to place on record my surprise that he had not consulted the Government and to warn him of the consequences which I foresaw.

6. For the purpose of creating a favourable atmosphere in which to discuss the rather contentious question of mining it was explained to the Chief that now that lung-sickness appeared to be under control it would be possible to release larger sums from the contributions made by his Tribe for purposes other than the eradication of this disease. At the same time it was pointed out that the Veterinary Authorities were not satisfied that any further outbreaks were out of the question and that it was necessary to maintain for a still longer period the organization for coping with renewed outbreaks. It was also pointed out to the Chief that lung-sickness, unlike many other cattle diseases, was peculiar to the Bamangwato Reserve and that it was reasonable to expect those who were harbouring it to make special contribution for its eradication. That was why it had been necessary in the past to retain for this purpose the greater portion of the money contributed by his people towards the Native Fund. He was told, however, that provision had been made in the Estimates for 1930-31 for setting aside £2,000 for improvements in his Reserve and that in deference to his wishes the Government had decided to allow him to submit recommendations for the expenditure of this sum. The Chief was also informed that a sum of £350 would be handed over to him for the payment of his regiments who had been employed in moving the Tuli Block boundary fence, although the Chief had himself tacitly admitted this work was carried out by him in ignorance of the fact that the settlement of this boundary had already been agreed to by Chief Khama and that therefore the Government was under no obligation to recompense his followers for alterations made to the fence subsequent to the Khama settlement. The Chief expressed gratification at my decision to meet his wishes in regard to the expenditure of money allocated to the Tribe and having produced a friendly atmosphere in this way the Imperial Secretary reverted to the question of the termination of the Khama Agreement and intimated that it was my desire that the Chief should make up his mind to sign the new draft Concession with the British South Africa Company or to take steps to terminate the old one. Tshekedi replied that it was not his intention to take either line of action and indicated that he was advised that there was another course which he might follow. What he meant to imply was that he proposed to leave matters where they were and rely on the Government to prevent the British South Africa Company from carrying out mining in his Reserve by refusing to issue a mining Proclamation or by other means. The Imperial Secretary replied that the Government did not feel able to adopt this course and that I intended to proceed with the promulgation of a Proclamation to control mining in other parts of the Protectorate.

7. In the course of a subsequent conversation with Advocate Buchanan the Imperial Secretary explained what had transpired at this interview with the Chief and pointed out that mining legislation was urgently needed and could not be held up any longer to meet the caprices of Tshekedi.

8. The Imperial Secretary had informed the Chief that I wished to see him before he returned to the Protectorate, but before this interview took place Tshekedi called upon the Assistant Imperial Secretary and said that he wished to be accompanied, when he came to see me, by Advocate Buchanan and Mr. Jennings. Mr. Eales replied that it was not customary to allow third parties not connected with the Administration to be present at such interviews between the Chief and the High Commissioner and that it would be certainly out of the question to permit anyone to attend in the capacity of Legal Adviser. The Chief then asked whether he might bring Mr. Jennings and when he was asked in what capacity that gentleman proposed to be present he replied that he wished to use him as an interpreter. This request I willingly acceded to. The Chief and Mr. Jennings duly appeared at Government House at the appointed time. The Chief said he had come to re-submit his request that he should be allowed to go to England to interview you and at the same time he submitted the enclosed letters dated the 22nd and 24th of January respectively.

9. The letter of the 22nd of January calls for little comment other than to say that the Address that I delivered at Serowe on the 26th of October contained nothing that could possibly be construed as the exertion of pressure upon the Chief by the Government. On the contrary when communicating the contents of your telegram of the 28th September* I was most careful to explain that you did not wish to bring

* No. 52 in Dominions (South African) No. 3.

the smallest pressure to bear upon him. With regard to the reference to the visit of two British South Africa Company's men it was explained to the Chief that the Proclamation could no longer be delayed and that the presence of these gentlemen in South Africa would be availed of in order to ascertain the views of the Company on the provisions of the law affecting its interests and that subsequently a Proclamation will also be submitted to the European and Native Advisory Councils for an expression of their opinion. The letter appeared to have been drafted by the Chief and apart from reference to the pressure brought to bear upon him was harmless enough, but the letter of the 24th of January was of an entirely different complexion and judging from its general tone I should say it was drafted by Advocate Buchanan. It opened with the suggestion that the Government *says* that it will not order him to open up his Reserve to mining *but* intends something very different, and proceeds to make a number of preposterous accusations against the Administration which I felt should not be allowed to pass without a stern and categorical denial. Before terminating the interview the Chief was asked whether he would withdraw this letter and everything that was said in it if I gave him an assurance in writing that there was not a word of truth in the accusations it contained. The Chief to my surprise replied that he regretted that he would have to maintain that the letter correctly described his convictions and I had no alternative but to terminate the interview forthwith. I felt, however, that there may have been some misunderstanding and I accordingly sent the Chief the enclosed letter of the 27th January which contains an explicit statement of the position as it exists to-day and of the attitude which the Government has consistently and patiently adopted from the beginning.

10. It was of course undesirable in the circumstances to have any further personal discussion with the Chief, but upon receipt of my letter of the 27th January he appears to have come to the conclusion that his advisers had led him into bringing unjustifiable and outrageous accusations against the Government and he wrote me the enclosed letter in which he withdrew the accusations which he had made against the Government. Mr. Jennings subsequently tried to convey the impression that it was due to his influence that this letter was withdrawn, but my own opinion is that the Chief had come to the conclusion that he was not being well advised. The consequences of their influence over Tshekedi seem also to have caused Mr. Jennings and Advocate Buchanan considerable anxiety and to have led Advocate Buchanan to conclude that the Chief was beginning to doubt the value of his professional services. You will see from the enclosed correspondence that he asked for an interview in order to make a personal explanation to me. But I explained that I did not think any useful purpose could be served by further personal discussion of this matter.

11. Had I thought it desirable to comment on Mr. Buchanan's letter of the 30th of January I should have told him with regard to the quotation (4) that if the Chief had suffered any disadvantage as a consequence of my decision to cease negotiations for a new Concession he would only have had himself or his advisers to blame and that I consider the quotation referred to in (3) correctly describes the general tenor of the Chief's letter of the 24th January for which as signatory I must hold him responsible. As to the quotations in (1) and (2) it was true that these appeared to reflect on Advocate Buchanan and Mr. Jennings, though I think the statements they contained do not constitute an unfair stricture in view of the mischievous advice which was given to the Chief and which they must have known could not fail to prejudice his relations with the Government. I felt no desire in fact to withdraw or modify any references in my letter to the Chief regarding the culpability of his advisers and as Mr. Buchanan definitely admits in his letter of the 30th of January that he has been advising the Chief in regard to this question it was impossible to absolve him of complicity and I felt therefore that I was unable to grant him the interview for which he asked.

In case you should wish to refer to it I enclose a copy of the draft Mining Proclamation* including amendments made after consultation between Sir D. Chaplin, Mr. D. O. Malcolm, the Imperial Secretary and the Company's Consulting Engineer. They have been approved by Mr. Duncan and Sir R. Kotze, and after it has been checked the Proclamation will be sent to the Government Printer in order that a new proof may be made and it will be forwarded to you as soon as it is received.

I have, &c.,

ATHLONE

(High Commissioner).

* Not printed here.

Enclosure 1 in No. 16.

Government House,
Cape Town, 20th January, 1930.

MY FRIEND,

WHEN you came to Cape Town I told you that I would forward to the Secretary of State your request that he should permit you to discuss with him in England the future of your country and your objection to being transferred to the Government of the Union. I also understood that you would wish to discuss the question of mining. As I informed you at Serowe, I have received a telegram from the Secretary of State in which Lord Passfield says that his recent experience in connection with the visit of Chiefs to England makes him anxious to avoid any repetition of these journeys. The visit of the Chief Sobhuza to London in connection with a Privy Council Appeal against a decision of the Special Court resulted in expenses which had to be made good by the Swazies amounting to about £10,000. I do not suggest that your appeal against the Ratshosas will cost anything like that sum but it is bound to be expensive particularly if you send lawyers to England to argue your case and I do not think you are wise to incur this expenditure. Even if you win your case it seems to me that the Ratshosas will be unable to pay your costs which will ultimately have to be paid by you and the tribe. I feel bound to say that, personally, I am doubtful of your chances of upsetting the judgment delivered in the Special Court and it may be that the result will greatly strengthen the influence of the Ratshosas amongst those of the Bamangwato who support them.

I wish you to understand quite clearly that I am not "advising" you to abandon your appeal because if I did so it might be thought that I was interfering with freedom of access to the Courts. But I do wish to place on record in this letter (*a*) that you did not consult the Government as to the advisability of appealing but either acted on your own responsibility or on the advice of others, (*b*) that I consider the appeal will serve no useful purpose, (*c*) that if you lose it much harm will be done, and (*d*) that it will probably cost the tribe a considerable sum of money even if it is successful since I do not see how any money can be obtained from the Ratshosas to pay the costs.

As for your request to proceed to England I told the Secretary of State that you wished to make representations regarding the future of your country and your desire not to go into Union and that you might also wish to discuss the question of mining. I read out to you the Secretary of State's reply and said that I would send you it in writing on my return to Pretoria. After stating that recent experience of the visits of Chiefs to England shows them to be unnecessary and unsatisfactory Lord Passfield says in reply to your request:—

> "If object is to discuss question of transfer to the Union I could only say that there is no proposal for transfer of Protectorate or any part of it to the Union under consideration at present and that I have no reason to suppose such a proposal is likely to be put forward in the near future; and that in any case, in accordance with assurances given in the past, the natives would be given a full opportunity for expressing their views on any such proposal, and that any representations they may make would receive most careful consideration before any decision is taken. As to the question of mining in the Bamangwato Reserve it would seem to be undesirable even if it were practicable to transfer negotiations with the Chief on this subject to London. If therefore Tshekedi should raise this question as he no doubt would, I should not be able to do more than repeat the statement in my telegram of 1st August and tell him if he should require further advice to consult with the Resident Commissioner and with you. I shoum be glad in the circumstances if you would explain position to Tshekedi and the other Chiefs accordingly."

The telegram of the 1st August to which the Secretary of State referred was mentioned in my reply to you at Cape Town of which you were given a typed copy.

You will, I feel sure, Chief, appreciate that the Secretary of State in communicating the above message has the best interests of your people at heart.

I am, &c.,
ATHLONE
(High Commissioner).

To the Chief Tshekedi.

10

Enclosure 2 in No. 16.

YOUR EXCELLENCY, Hostel, Cape Town, 22nd January, 1930.

I THANK Your Excellency for the written communication of His Majesty's Secretary of State's message to me which was promised me on the 6th October last and handed to me on the 20th January, 1930.

I also wish to thank Your Excellency for his opinion given on the additional matters dealt with in the communication referred above.

I have further to thank Your Excellency for the verbal messages from His Excellency to me sent through the Imperial Secretary.

I understood from the Imperial Secretary that there were certain two men of the British South Africa Co. who have recently landed here from England and who have come in connexion with the Mining question affecting my country and that as a result of these mens' visit Your Excellency wished it to be made clear that if I do not decide to lodge with the British South Africa Co., my notice to cancel the existing concession, I have to sign the draft Agreement, that either of these two alternatives I had to take before the end of February, failing that time Your Excellency was going to issue Mining Proclamations in regard to the existing agreement.

Owing to this pressure from the Government I now lay before Your Excellency the course of action I have taken up.

From the explanation by the Imperial Secretary of His Majesty's Secretary of State's letter I gather that even if I were to go to London to interview the Secretary of State I would only have to be transferred back to South Africa for further developments in connexion with the future of my country.

To-day Your Excellency I have to confess that although I must admit that it cannot be found anywhere in writing I have felt more than once from the verbal interviews I have had with the His Majesty's Government's Imperial Secretary—and to some extent from the address delivered by Your Excellency on the 6th October last during the occasion of the opening of Sekgoma's Memorial Hospital, that there was in fact pressure on the Government's part that I should sign the draft Agreement, however up to this very day nothing has yet convinced me and my tribe that mining developments will be of any help whatever to my tribe, and on the contrary we always feel what the detrimental consequences are going to be when the Government does eventually effect mining in our country.

Therefore I have now to tell Your Excellency that, having well in mind and believing the advice given me by the Government that an interview with His Majesty's Secretary of State is undesirable, I am now leaving the coasts of Africa on the 7th February next to go and register at the Dominion Office my tribe's views and mine on the subject matters dealt with by Your Excellency's communication to me on the 17th instant. On my return I shall be compelled then to do what the Government asks me to do.

With regard to the recorded statement by Your Excellency in connexion with Ratshosa trouble that I should but "did not consult the Government as to the advisability of appealing but either acted on my own responsibility or on the advice of others"—I wish to explain to Your Excellency that I acted on my own responsibility and in doing so was fully conscious that the settling of my trouble with the Ratshosas was an administrative one needing the attention of Your Excellency and not a matter for Judicial proceeding. In this connexion I wish to say to Your Excellency that Your children, meaning my tribe and myself, were looking to Your Excellency to put an end to the trouble which has since its beginning been under the eyes of your Officers and which in our opinion the Government could have settled for me without waiting to get representations from the parties concerned. But I have to record in this letter that no settlement of the trouble by the Government has been made and on the other hand I have more than once appealed for assistance from the Government that the trouble should be stopped, but I have more than once received communications from His Excellency through the Officers under him that Your Excellency's administrative interference might be interpreted as an act tantamount to depriving individuals of access to the Law Courts—and even in the recorded statement the same view is expressed.

It is of course out of the question that anybody can rest satisfied with such a serious judgment passed by the Court against him. I had therefore no alternative but to appeal to the Privy Council and await results. I feel it my duty to be present at the hearing of this appeal and request that my decision as to the British South Africa Co., Concession and the promulgation of any Mining Regulations may be left in abeyance until a reasonable time after my return.

As I understand passports are necessary for myself and two followers; will you please secure these for me or advise me what steps to take to procure them.

I remain, &c.,
TSHEKEDI KHAMA
(Acting Paramount Chief to the Bamangwato).

His Excellency
The High Commissioner,
South Africa.

Enclosure 3 in No. 16.

Stakesby Lewis Hostels, 72, Keerom Street,
Cape Town, 24th January, 1930.

YOUR EXCELLENCY,

FROM what the Imperial Secretary has said to my Legal Adviser yesterday I understand the position to be:—

1. The Government says it will not order me to open the Bamangwato country to mining. But—

2. The Government intends proclaiming mining Regulations to:—

(*a*) Compel me to allow mining in my area under an existing Concession which my father wished to terminate and which the Government's Legal Adviser informed the Government, could be terminated on notice, and which in May, 1923, the late Chief Sekgoma asked the Government to take steps to cancel, to which the Government acceded. From that date to this no mining has taken place in the Bamangwato territory through the friendly offices of the Imperial Authorities—I have always wished to cancel this Concession and have continuously informed the High Commissioner that I wish no mining in my territory; or

(*b*) Force me to make a new agreement with the British South Africa Company agreeing to mining forthwith; or

(*c*) Take away my rights to grant or withhold mining concession and vest same in the administration.

And—

3. The Government has decided to do this early in March without giving me the opportunity I have previously requested of laying our views and maintaining my rights before the Secretary of State in person.

Realising the very serious consequences that the contemplated action of the Imperial Secretary in applying this proclamation to the Bamangwato Reserve, have on my nation and with the utmost sense of responsibility, I most humbly and most respectfully and most earnestly request that Your Excellency will postpone the promulgation of such Regulations as far as the Bamangwato territory is concerned until I have presented their case in person to the Secretary of State, and I desire to leave forthwith and request Your Excellency's best offices to expedite my journey. At my interview with Your Excellency on the 7th August, 1929, in reference to this matter as well as others, I humbly requested that I should be allowed to see the Secretary of State before anything was done. Subsequently in an interview between the Imperial Secretary and my Legal Adviser, the latter understood that such permission would be granted and informed me to that effect. But on the 6th October, 1929, at Serowe, Your Excellency informed me that the Secretary of State considered it was unnecessary. But in view of the present position as stated above it is necessary and vital, as not only this matter of mining but the whole position and status of the Chief of the Bamangwato is an acute constitutional issue, and before this is settled and defined it is my strong desire and clear duty to discuss the question with the Secretary of State personally.

I have, &c.,
TSHEKEDI KHAMA,
(Acting Paramount Chief of the Bamangwato Tribe).

To His Excellency
The High Commissioner,
South Africa.

Enclosure 4 in No. 16.

Government House,
Cape Town, 27th January, 1930.

MY FRIEND,

I PROPOSE to state clearly and shortly in this letter what the position is in regard to mining in your Reserve and the attitude of the Government in this matter since it is evident from your letter of the 24th January that you have been misled by your advisers, and from what you said to me on the same day it seems that you do not trust the Government in this matter. I therefore wish to say:—

(1) That while the Concession granted by the late Chief Khama stands the British South Africa Company has the right to mine in the Bamangwato Reserve.

(2) That the Government has no power to stop the Company mining under this Concession.

(3) That the Government cannot terminate the Khama Agreement; only you yourself, as successor to Khama, can take action with a view to its termination.

(4) That if you desire to terminate the concession the Government has no desire to prevent you taking steps to this end, and you have been informed that if you wish to try and terminate the Agreement the proper course is to give the Company twelve months' notice of your desire to terminate it.

(5) That the Mining Proclamation will not take away any rights which the Bamangwato may possess over the minerals in their Reserve. It merely directs how mining is to be conducted in places where the owners of minerals wish to mine and is intended to protect Chiefs and their people who have handed over their minerals to others.

(6) That if a Tribe owns the minerals in their Reserve the Proclamation gives no power to anyone to mine without the Chief's consent. If anyone advises you to the contrary I ask you to accept my assurance that they are wrong.

(7) That the Proclamation will be issued in due course but will not be applied to your Reserve unless the British South Africa Company commences prospecting or mining operations in your Reserve.

(8) That before it is issued the Proclamation will be submitted to the European and Native Advisory Councils for any observations they may have to offer. It will be applied to all areas in which mining operations are taking place.

I do not propose to discuss this question of mining with you any further, because it is evidently disturbing the relations between you and the Administration, which is very undesirable. But I wish you to understand quite clearly that the Government has never brought and does not intend to bring any pressure to bear on you. You, as Acting Chief, and your people are quite free to do as you wish in this matter. The Government proposes to issue a Proclamation to regulate and control all prospecting and mining operations throughout the Protectorate, whether they are carried out in the Native Reserves or on the Crown lands or the European-owned land, and you will not be treated differently in this respect from anybody else, European or Native. If the Company does not mine in your Reserve, that will no doubt be all the better from your point of view, but if the Company commences exercising its rights under the Concession the proclamation must be issued to protect your people.

Your letter of the 24th January is a distortion of the facts and makes false charges against the Government. Unless you withdraw it I can only conclude that you do not believe what I tell you, and that in this respect you are departing from the policy consistently followed by your father, Chief Khama, a wise, experienced and far-seeing Chief, who not only reposed confidence in the Administration but placed complete reliance upon the words and advice of the High Commissioner as the representative of His Majesty the King under whose care and protection the Bamangwato and other natives of the Protectorate have lived in peace and safety for so many years.

I am sending a copy of your letters and of this reply to the Secretary of State. I will point out that you again ask him to see you in England but I fear that on this occasion I do not feel able to support your request because—

(*a*) Nothing can be added to the reply he has already given you about the political future of the Bechuanaland Protectorate.

(*b*) As the Secretary of State did not think any useful purpose could be served by transferring from South Africa to London the discussions connected with the British South Africa Company's Concession, I can hardly recommend that he should see you now that the Government no longer proposes to continue negotiating with the Company on your behalf in order to secure

the revision of the agreement, and I have already explained that you and you alone can take steps with a view to its termination.

I have also to inform you that it will no longer be necessary to summon the Tribe to Serowe on 20th February to discuss this matter with the Government, and I have telegraphed to the Resident Commissioner accordingly.

With regard to your request for passports I would suggest that, if a visit to England should become necessary, you should apply to the Resident Commissioner as soon as it is known when your appeal to the Privy Council is likely to be heard.

I am, &c.,
ATHLONE
(High Commissioner).

To the Chief Tshekedi.

Enclosure 5 in No. 16.

YOUR EXCELLENCY, The Hostel, 72, Keerom Street, 29th January, 1930.

IN deference to Your Excellency's letter dated 27th January accusing me of not trusting the Government and not believing what Your Excellency tells me and which Your Excellency informs me I can only disprove by withdrawing my letter dated 24th January and as I cannot allow such a false view of my utmost confidence in Your Excellency and my unswerving loyalty to the Imperial Government to remain on record, I hereby withdraw the said letter.

I have, &c.,
TSHEKEDI KHAMA
(Acting Paramount Chief of the Bamangwato Tribe).

To His Excellency
The High Commissioner,
Government House,
Cape Town.

Enclosure 6 in No. 16.

YOUR EXCELLENCY, Chambers, Cape Town, 28th January, 1930.

WE, the advisers of the Chief in our personal capacities request an urgent personal interview with Your Excellency, as we have read Your Excellency's letter of the 27th instant, and are assured there exists some very serious misunderstanding. We take this somewhat unusual step as we recognise the seriousness of the position that has arisen and desire to do all that we can to mitigate the dangerous consequences of leaving matters as they are at present.

We have, &c.,
ALBERT E. JENNINGS
(Representing the London Missionary Society).
D. M. BUCHANAN
(Legal Adviser to Chief Tshekedi Khama).

To His Excellency
The High Commissioner,
Cape Town.

Enclosure 7 in No. 16.

High Commissioner's Office, Cape Town,
30th January, 1930.

GENTLEMEN,

I AM directed by the High Commissioner to acknowledge the receipt of your letter of the 28th January and to inform you that, while His Excellency realizes that in a matter involving legal considerations a Chief may occasionally wish to seek the assistance of counsel when preparing a written statement of his views for presentation to the Government, he is most reluctant to undermine the accepted principle that the relations between the Administration and Chiefs are of such a confidential, trustful and patriarchal nature that it is undesirable and inexpedient to admit the necessity for the intervention of third parties between a chief and the High Commissioner.

Although Lord Athlone is disposed to regard such a request from yourselves, Gentlemen, in a more favourable light than the average person to whom a chief might

apply for legal advice he feels compelled to request you to transmit to him in writing a concise but comprehensive statement of the representations which you propose to submit, before he is able to decide whether he can accord you an interview.

I am, &c.,
B. E. H. CLIFFORD
(Imperial Secretary.)

D. M. Buchanan, Esq.,
The Rev. A. Jennings.

Enclosure 8 in No. 16.

SIR, Chambers, Cape Town, 30th January, 1930.

REPLYING to your undated letter, received 11.50 a.m., this morning, we beg to state briefly the reasons for our request for a personal interview with the High Commissioner.

The High Commissioner is aware that we have been advising the Chief Tshekedi regarding the question of mining in the Bamangwato Territory and in attempting to secure as profitable conditions as possible under the circumstances in a proposed new Agreement between the Chief and people and the British South Africa Company, and in advising him, with the full concurrence of the Imperial Secretary, regarding the Mining Regulations proposed to be proclaimed by the High Commissioner in March.

In the High Commissioner's letter of 27th January to the Chief the following statements are made, *inter alia*:—

(1) "It is evident from your letter of the 24th instant that you have been misled by your advisers.
(2) "If any one advises you to the contrary I ask you to accept my assurance that they are wrong.
(3) "Your letter of the 24th is a distortion of the facts and makes false charges against the Government.
(4) "I can hardly recommend that he (i.e., the Secretary of State) should see you now that the Government no longer proposes to continue negotiating with the Company on your behalf."

It is not our desire or purpose to intervene between the High Commissioner and the Chief and as to the main contents of the letter referred to, we recognise that we have no *locus standi* to deal therewith. But when the High Commissioner adverts to us *personally* and passes strictures upon the advice we have given the Chief—on which he based his letter of 24th January—describing such as misleading, distortion of facts and making false charges against the Government, we feel compelled to ask for a *personal* interview with the High Commissioner in order to vindicate ourselves and attempt to clear away such misunderstanding as must exist to lead to the making of such—as we understand the facts at present—unjustified statements concerning our advice.

Inasmuch as this misunderstanding has resulted in a threatened disadvantage to the Chief as contained in the last quotation above, we feel bound to take such action as may be necessary to rectify any error on our part or misunderstanding on the part of the High Commissioner which threatens to have disastrous results.

We request His Excellency the High Commissioner graciously to grant us an interview in order to avoid any misunderstanding in such an important matter to the Imperial Authorities, the Chief and ourselves.

We have, &c.,
D. M. BUCHANAN.
ALBERT E. JENNINGS.

To the Imperial Secretary,
High Commissioner's Office,
Cape Town.

Enclosure 9 in No. 16.

High Commissioner's Office,
Cape Town, 5th February, 1930.

SIR,

I AM directed by the High Commissioner to inform you that he has given most careful consideration to the reasons set forth in the letter of the 30th January signed by you and Mr. Jennings in support of your request for an interview, but he regrets

that he does not see that any useful purpose can be served by discussing the matter further. His Excellency has in the course of long interviews with the Chief patiently and fully set forth the position of the Government and in a statement of his views handed to the Chief on 7th August Tshekedi was explicitly told that the Government could only advise him, that no pressure would be brought to bear upon him in any way whatsoever, and that the Government having placed the position clearly before him the matter rested between his people and the Company. This view has been repeated to the Chief on several subsequent occasions and in the face of these repeated assurances His Excellency was impelled to conclude that the Chief's letter of 24th January impugned the good faith of the High Commissioner and the Government. His Excellency therefore decided that the Government should cease to negotiate with the Company on behalf of the Chief and he arrived at this conclusion not impatiently but after months of difficult and abortive discussion. In these circumstances and as the Chief has now withdrawn his letter His Excellency does not consider any useful purpose could be served by granting the interview for which you ask.

I have, &c.,
B. E. H. CLIFFORD
(Imperial Secretary).

D. M. Buchanan, Esq., K.C.

10141/20.

No. 17.

DOMINIONS OFFICE

to

ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY.

Sir, Downing Street, 6th March, 1930.

I AM directed by Lord Passfield to acknowledge the receipt of your letter of the 19th of February* regarding mineral concessions in the Bamangwato Reserve in the Bechuanaland Protectorate.

You enclose with your letter an account supplied by Chief Tshekedi of an interview which he had with the Imperial Secretary at Cape Town on 20th January with regard to this question. The Secretary of State has since received from the High Commissioner for South Africa a report of this interview which differs in certain material respects from the account forwarded with your letter. On the information before him, the Secretary of State sees no reason to modify in any way the statement in the letter from this Department of the 18th of February† that no pressure has been put on the Chief by the Government to sign the proposed new agreement with the British South Africa Company. If there was any misapprehension as to the position on the part of the Chief, as a result of his interview with the Imperial Secretary on the 20th of January, it will have been removed by the letter which the High Commissioner sent to the Chief on the 27th of January.‡ A copy of this letter is enclosed. In so far as this deals with the attitude of the Government towards the question of mining in the Bamangwato Reserve, it contains a clear statement of the position, to which the Secretary of State has nothing to add, except that the proposed Proclamation to regulate mining in the Protectorate will be referred to him in draft for approval before it is enacted.

Your Society will no doubt be aware that, since your letter was sent, it has been decided that the Chief should proceed to England and that he sailed from Cape Town on the 28th of February.

I am, &c.,
E. G. MACHTIG.

---

* No. 11. † No. 10. ‡ Enclosure 4 in No. 16.

10141/29.

No. 18.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 75.)

My Lord, Downing Street, 6th March, 1930.

WITH reference to my despatch No. 52 of 20th February* I have the honour to transmit to you copies of further correspondence† with the Anti-Slavery and Aborigines Protection Society and the London Missionary Society regarding the proposed grant to the British South Africa Company of a revised mining concession in the Bamangwato Reserve.

2. I also enclose a note‡ of an interview on this matter with a Deputation of Members of Parliament which I received on 25th February.

I have, &c.,
PASSFIELD.

10141/27.

No. 19.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 5.15 p.m., 15th March, 1930.)

[*Answered by No. 20.*]

(Personal.)

I HAVE been giving careful consideration to the question of what should be said to Tshekedi at his interview with me. It is proposed to consult Eales and Nettelton on arrival as to what points Tshekedi is likely to raise, and advantage will be taken of their local knowledge in the preparation of text of my statement. In the meantime, however, I should propose, subject to your observations, to take following general line if necessary.

Begins:—(1) On question of mineral concessions in Bamangwato Reserve to confine the reply to repeating statement of position contained in your letter to him of 27th January,§ and to making it clear that in this, as in all matters, he should look for advice to the High Commissioner and the Resident Commissioner who, I know, have the welfare of the tribe closely at heart.

(2) On question of possible curtailment of Chief's powers as a result of appeal in the Ratshosa case it seems to me that it would be best to say nothing unless Tshekedi refers to it. If he does, I should propose to say that the Government must await the result of his appeal. I should like your opinion on question whether it would be well to add that I understand that you have already pointed out to him certain possible consequences of his action (see your telegram of 5th February No. 14‖).

(3) On question of transfer of Bechuanaland Protectorate to the Union to reply on lines of my telegram of 28th September, 1929, No. 80.¶—*Ends.*

I am assuming that short and guarded reply suggested as regards (3) would not be in any way embarrassing to Hertzog.

Should be glad of earliest possible reply in view of fact that Chief is due to arrive early next week.—PASSFIELD.

---

* No. 13. † Nos. 11, 15 and 17. ‡ Not printed. § Enclosure 4 in No. 16. ‖ No. 5.
¶ No. 52 in Dominions (South African) No. 3.

10141/34.

No. 20.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 3.38 p.m., 17th March, 1930.)

17TH MARCH. Personal. Your Personal telegram, 15th March.* I have already instructed Eales to suggest that before seeing the Chief you would be well advised to require him to submit in writing full and concise statement of the questions he proposes to ask and that replies should be given in accordance with correspondence between us and your instructions to me.

With regard to heads of replies my views are as follows: (1) I agree and appreciate your support in this difficult matter. (2) I am satisfied that question of prescribing the powers of Chiefs must be tackled soon. I should be disinclined therefore to suggest that Government action in this direction is dependent on the result of appeal but you could give me useful support by intimating that publicity likely to result from appeal may compel the Government to take more comprehensive measures sooner than originally contemplated. Otherwise I agree that this matter need not be discussed unless raised by the Chief. (3) I should advise framing of your reply so as to make it quite clear that the matter was raised by the Chief and would suggest following statement: "in answer to your question regarding the future of the Protectorate I can only repeat my previous statement transmitted to you through the High Commissioner, namely, that no proposal for transfer of the Government is under consideration at present and that I have no reason, &c.," as in the first paragraph of your telegram 28th September, No. 80.† Feel sure that statement on above lines would not embarrass Hertzog.—ATHLONE.

10141/42.

No. 21.

BRITISH SOUTH AFRICA COMPANY

to

DOMINIONS OFFICE.

[*Answered by No.* 31.]

Rhodesia House, 2, London Wall Buildings,
London, E.C.2, 20th March, 1930.

SIR,

THE Directors of the British South Africa Company observe that Tshekedi, Chief of the Bamangwato, has arrived in London, and they understand that his purpose is to seek an interview with the Secretary of State to discuss matters relating to the Concession granted by his predecessor Khama to the British South Africa Company on 25th July, 1893.

It is now more than 5 years since the Directors—in a memorandum dated 2nd January, 1925,‡ communicated to the Secretary of State their views upon the situation in the Protectorate as a whole so far as concerned the interests of the Company in the Territory.

Since then there have been fairly continuous negotiations between the Company and the Dominions Office in London and the High Commissioner's Office in Cape Town, but these have been concerned mostly with matters of detail, and the Directors think that in view of the discussions which may take place in the course of the Chief's visit to England they may be permitted to recall to memory the general arguments which were set forth in the 1925 memorandum.

More particularly they feel that if an equitable view is to be taken upon the single question of the Bamangwato Concession the circumstances which attended the Company's original entry into the protectorate ought to be clearly borne in mind.

These circumstances are concerned with the genesis of the Company. Contemporary records clearly show that the grant of a Royal Charter to the Company in 1899 was made by Her Majesty's Government in pursuance of an Imperial Policy, having as its object the extension of British authority without cost to the Crown, by means of the Company's activities, through what is now the Protectorate to what is now Rhodesia.

---

* No. 19. † No. 52 in Dominions (South African) No. 3.

‡ No. 43 in Dominions (South African) No. 2.

From the point of view of the Bamangwato one of the intended effects of the carrying out of this policy was the maintenance of inter-tribal peace, of which the direct result would be, and was, to free that people from the constant menace of the Matabele.

In the course of carrying out its undertaking the Company was encouraged by the Crown to unite in its person as many as possible of the then existing British interests in the Protectorate. It thus acquired various Concessions which had been granted by Native Chiefs, of which some were purchased in order that they might be cancelled and some the Company was permitted to retain. In the particular case of the Bamangwato the Company purchased an earlier Concession which had been granted by Khama to other parties. This Concession was subsequently replaced by a new Concession granted direct to the Company by Khama in a form approved by Her Majesty's Secretary of State, and this new Concession the Company now holds.

It is a matter of record that the carrying out of this policy in the Protectorate involved the Company in considerable effort and large expenditure and that the Company did effectively achieve the objects of the policy committed to it.

The Directors submit accordingly that the Crown, and the Bamangwato no less, are under an obligation of good faith to permit the Company to derive a reasonable benefit from the resultant commercial rights in the territory.

From the course of the negotiations which have taken place during the last five years the Directors are encouraged to think that the Crown does not dissent from this view, for considerable progress has been made with the drafting of a Mining Law, in the absence of which no development of any consequence has yet been possible, and although pressure has been brought upon the Company to consent to very important modifications in the Bamangwato Concession in the native interest, indications have not been lacking that the Crown is content to permit the Company to proceed with the development of a modified Concession.

The Directors would like to be permitted to express their sincere appreciation of these facts.

The failure to bring these matters to a final conclusion would now appear to be due to the attitude of the Chief of the Bamangwato and his advisers, who, if reports in the Press are correct, are apparently opposed to any mining taking place in their territory.

The Directors do not desire to minimise the difficulties of the situation so created. They instruct me, however, to draw attention to the general arguments set out at length in the 1925 memorandum relating to mining as a means of assisting the native peoples of Africa towards progress and civilization.

They also wish to record that the Company has, in the course of these negotiations, shown its willingness to meet the reasonable wishes of the natives by consenting to very important modifications in its concessionary rights.

Further, the Mining Proclamation as drafted is designed to provide extensive safeguards and control of mining in Native Reserves in the interests of their native inhabitants.

They venture to hope that the Secretary of State may himself take the view that under all these circumstances the real interests of the native peoples in the Protectorate will be served by the development of its mineral resources and that he may find himself able in the course of any discussions he may have with the Chief to represent this point of view to him and, in reminding the Chief of the obligations of his people to the Company, to obtain his willing consent to the grant of a modified Concession.

I am, &c.,
PERCY J. BAIRD,
Secretary.

10141/34.

No. 22.

MR. A. EDGCUMBE (DOMINIONS OFFICE)

to

TSHEKEDI KHAMA (ACTING CHIEF OF THE BAMANGWATO).

[*Answered by No.* 23.]

Downing Street, 21st March, 1930.

MY FRIEND,

THE Secretary of State has been informed by His Excellency the High Commissioner for South Africa that during your visit to England you desire to be granted

a personal interview by him in order that you may lay before him certain matters affecting the Bamangwato tribe.

The Secretary of State is willing to grant you an interview for this purpose, and is prepared to receive you and the three native followers who have accompanied you from South Africa at the Dominions Office on Thursday next, 27th March, at 3 o'clock in the afternoon.

Lord Passfield wishes me to inform you that, in preparation for your interview with him, you should send to me, not later than Monday next, a statement in writing giving particulars of the matters which you intend to submit to him when he receives you.

I am, &c.,
A. EDGCUMBE
(Private Secretary to the Secretary of State).

10141/47

No. 23.

TSHEKEDI KHAMA (Acting Chief of the Bamangwato Tribe)

to

MR. A. EDGCUMBE (Dominions Office).

[*Answered by No. 24.*]

The Foreign Missions Club,
151, Highbury New Park, N.5, 25th March, 1930.

My Friend,

In reply to your letter of the 21st March, 1930,* informing me that—

(*a*) The Secretary of State would grant me an interview on Thursday next, 27th March, at 3 o'clock;

(*b*) Lord Passfield wished me to send him in writing particulars of the matters I desire to submit to him when he receives me,

With regard to (*a*) I beg herein to thank Lord Passfield for granting me this interview.

As to (*b*) the matters I wish to submit to His Majesty's Secretary of State for his favourable consideration are as follow :—

(1) The determination of the Mining Concession given to the British South Africa Company in the year 1893 because :—

(*a*) Mineral Exploitations are not in the true interests of the Native inhabitants of the Bamangwato country and we not only resist such but there is no call to-day from the Bamangwato Tribe to have their country exploited in the mere interest of the rich European Companies.

(*b*) We are convinced by the experiences of the Natives of the other Territories of South Africa that similar detrimental consequences to the Native Tribes will ensue from such exploitations in the Bamangwato country.

(*c*) His Majesty's Government agrees with our view that the carrying on of mining operations in Native countries in South Africa is undesirable in the interests of the Native.

(*d*) The existence of the 1893 Concession has created, when viewed historically, and continues to create between His Majesty's Government and us a weak Tribe under His Majesty's Protection, very serious misunderstanding between the ruler and the ruled, which I fear will eventually result in ruin and destruction of the Bamangwato nation.

(2) To lay before the Secretary of State our protest against the future inclusion of our country within the Union of South Africa. We are aware of the statement made to several of the Chiefs of the Bechuanaland Protectorate by succeeding High Commissioners that—" There is no proposal for transfer of Protectorate or any part of it to the Union under consideration at present and that there is no reason to suppose such a proposal is likely to be put forward in the near future "—but I respectfully beg to submit that, so long as Section 151 of the South Africa Act, 1910, remains in force, there is a continuous possibility of the Government of the Union requesting His Majesty to transfer the Protectorate to its Administration.

The Bamangwato nation was not consulted regarding such inclusion before the Act was passed and upon many occasions during the visits of the High Commissioners they have voiced their strongest objection to any such transference as being unfair. And I desire to request the Secretary of State to take steps for the cancellation of

* No. 22.

Section 151 before the question is raised by the South African Government which would cause unnecessary complication between the two Governments.

(3) I have recently learned with great concern from the Imperial Secretary in South Africa that as a result of my appeal to the Privy Council against the Judgment given against me by the Special Court of Bechuanaland Protectorate at Lobatsi on 20th September, 1929, the Administration in South Africa had received authority from the Dominions Office to define the powers of the Chiefs of the Protectorate by Proclamation. We undoubtedly wish to know clearly what our powers are, but I do not understand why this question was brought up as a result of my appeal, and, further, personally do not undersand how these powers can be defined administratively instead of by mutual agreement.

(4) My bitter grievance that certain of my subjects and relatives who made an attempt to murder me succeeding only in sending a bullet through my side and crippling for life two of my people, are continually being allowed by the Administration not only to institute absurd continuous civil proceedings against me and my people but to enter my country much to further disturbances, in spite of the fact that I was informed by the Administration that they were banished from it.

(5) There appears to be a misunderstanding by His Majesty's Government as to the true position of the Masarwa people in the Bechuanaland Protectorate and I wish to suggest that something be done to correct same.

The above briefly summarises what is my earnest desire to lay before the Secretary of State and I would add that these statements have been drawn up under the utmost sense of responsibility to my Tribe and above all with myself and Tribe's unfailing loyalty to the Government of Great Britain.

My company consists of myself and three native followers and the Rev. A. E. Jennings, of the London Missionary Society, who is assisting me both as an interpreter and in my discussions with the Secretary of State.

I am, &c.,
TSHEKEDI KHAMA

10141/47.

No. 24.

MR. A. EDGCUMBE (Dominions Office)

to

TSHEKEDI KHAMA (Acting Chief of the Bamangwato Tribe).

Downing Street, 25th March, 1930.

My Friend,

I have received your letter of 25th March* in which you furnish particulars of the questions which you wish to submit to the Secretary of State when he receives you on Thursday at 3 o'clock, and I have shown it to the Secretary of State.

Lord Passfield wishes me to inform you, in reply to the last paragraph of your letter, that he is prepared to receive, together with you, the three native followers who have accompanied you from South Africa, but the Secretary of State is receiving you as Acting Chief of the Bamangwato Tribe on behalf of His Majesty's Government, and he cannot assent to your being accompanied at the interview by any other unofficial persons. No difficulty will arise in regard to the interpretation at the interview as regards the Secretary of State, since Captain E. G. Nettelton, Resident Magistrate at Serowe, will be present for this purpose.

I am, &c.,
A. EDGCUMBE

10141/48.

No. 25.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 25th March, 1930.)

(Bechuanaland Protectorate.)
(No. 128.)

High Commissioner's Office,
Cape Town, 4th March, 1930.

My Lord,

With reference to my despatch No. 123 of the 28th February,† I have the honour to transmit herewith a copy of a despatch from the Resident Commissioner of

* No. 22.

† 10141/37 : not printed.

the Bechuanaland Protectorate forwarding a copy of a letter from the Chief Tshekedi in which he places on record his objection to the proposed promulgation of Mining Laws in the Protectorate.

I have, &c.,
ATHLONE
(High Commissioner).

Enclosure in No. 25.

(No. 382.) Resident Commissioner's Office,
Mafeking, 24th February, 1930.

My Lord,

With reference to previous correspondence on the subject of mining in the Bamangwato Reserve, I have the honour to forward herewith, for Your Excellency's information, a copy of a letter addressed by the Chief Tshekedi to the Resident Magistrate at Serowe, together with a copy of Captain Nettelton's covering minute forwarding a copy thereof to me.

I have, &c.,
R. M. Daniel,
Resident Commissioner.

His Excellency
The High Commissioner,
Cape Town.

Mining Laws.

Serowe, 20th February, 1930.

I attach a copy of a letter which I have received from the Chief Tshekedi on the above subject.

This is his manner of placing on record his protest against the promulgation of Mining Laws. He knows quite well and admits that mining will in due course commence irrespective of anything.

G. E. Nettelton,
Resident Magistrate.

The Government Secretary,
Mafeking.

Serowe, Bechuanaland,
20th February, 1930.

Promulgation of Mining Laws Affecting Bechuanaland Protectorate.

My Friend,

Greetings.

I understand from the High Commissioner's letter of the 27th January, 1930, that the Proclamation on the above will be issued in due course but will not be applied to the Bamangwato Country unless the British South Africa Company commences prospecting or mining operations in it. Nevertheless I wish to place on record in this letter that I have had occasion to study these Regulations and on behalf of my people and myself I object to the proposed Promulgation of these Laws.

Yours, &c.,
Tshekedi Khama.

The Resident Magistrate,
Serowe.

10141/50.

No. 26.

INTERVIEW GRANTED BY THE SECRETARY OF STATE FOR DOMINION AFFAIRS TO TSHEKEDI KHAMA, ACTING CHIEF OF THE BAMANGWATO TRIBE IN THE BECHUANALAND PROTECTORATE, AT THE DOMINIONS OFFICE, THURSDAY, 27TH MARCH, 1930.

Present:

The Rt. Hon. Lord Passfield (Secretary of State for Dominion Affairs).
Mr. W. Lunn, M.P. (Parliamentary Under-Secretary of State for Dominion Affairs).
Sir Edward Harding, K.C.M.G., C.B. (Permanent Under-Secretary of State for Dominion Affairs).
Mr. S. Eales, C.B.E. (Assistant Imperial Secretary, South Africa).
Mr. E. G. Machtig, O.B.E. (Dominions Office).
Capt. G. E. Nettelton (Resident Magistrate, Serowe, Bechuanaland Protectorate (acting as Interpreter).
Acting Chief Tshekedi.
Three native followers of the Acting Chief.

(*Transcript from the Shorthand Notes of Treasury Reporter.*)

Lord Passfield: As you were informed by the High Commissioner before you left South Africa, I was, at first, not in favour of your coming to England to see me because I did not consider that any useful purpose would be served by such a visit. I appreciate, however, that as your office is that of Regent, charged with the management of the affairs of the Bamangwato Tribe during the minority of your nephew, Seretse, you probably felt difficulty in coming to a decision about what you regard as important questions affecting your people. In these circumstances, after having heard from His Excellency that you had renewed your request to visit this country, I reconsidered my view, and I welcome you here as Acting Chief of the Bamangwato. Was the young Chief Seretse in good health when you left South Africa?

Acting Chief Tshekedi: He was well, thank you?

Lord Passfield: How old is he?

Acting Chief Tshekedi: Nine years old.

Lord Passfield: Is he at school?

Acting Chief Tshekedi: He is not yet at school.

Lord Passfield: I have no doubt that when he is a little older you will seek the advice of His Excellency the High Commissioner as to his education. It is important that he should have a good education.

Acting Chief Tshekedi: I thank you for your counsel.

Lord Passfield: I have had before me your letter of the 25th March in which you have set forth the various matters which you wish to submit for my consideration. I should like you to know that I have received from the High Commissioner full reports of your conversations with His Excellency and with the Imperial Secretary, and that I have also seen and read the various letters which have passed between His Excellency and you as well as the correspondence with the Rev. Albert Jennings and Mr. Buchanan. I am ready to hear what you have to say with reference to the various matters which you wish to bring before me.

Acting Chief Tshekedi: First of all, I wish to express my great pleasure at being before you, Sir. I will not emphasize the gravity of this matter for us, because you know what the matter is. I will continue with what I have come here to speak about. I would like to have a map of the country. (*Map produced.*) The matter I have come to see you about is concerning mining. I have been told that when mining begins in my country my people will find employment. I agree, and also agree that our cattle will find a market in their own country, but there is nothing that would convince me that those two considerations will compensate me for the harm which will be done by mining. I will explain my fears. In 1885, when Sir Charles Warren came to explain to the Chiefs that they had come under the Government, Khama's country, as is well known, extended beyond the Macloutsie River. At that time Sir Charles Warren explained that if there was to be protection the Tribe would also have to pay taxes. It is known that the Chief Khama stated that he would pay those taxes by surrendering a portion of his country. The Government at that time refused to receive this portion of the country. The Concession which is under discussion dates from 1893. The

Chief Khama at that time was the Chief of the whole country up to the Zambesi River, and the Concession affected the whole of that country, as the Concession stated that it had effect over the whole of Khama's country. In 1895, when the Chiefs came to England to see the Secretary of State, the Government agreed to receive the country which Khama had all along been willing to surrender. The portion referred to is now part of the Crown lands. At that time the question also arose as to the strip of land required for the purpose of building a railway through the country. The Chief Khama, in order to assist the Government, made no complaint and willingly assisted the Government by surrendering this portion of the land. In 1896 the railway company explained that the land given for the purpose of their railway was not satisfactory, and Khama, as on the former occasion, willingly gave up a further strip of land, 100 yards wide. Having surrendered those two portions of land there remained what is known as the Bamangwato Reserve. I may explain that this country is a very waterless country. There are only two rivers in it, the Shashi River and the Macloutsie River. There is also another river called the Botletle River, but that is mainly salt water and is of no use. There is water in this Botletle River, but the water is not suitable. The only portion in the Reserve that is of any use at all is the portion between the first two named rivers. That is where there is a large proportion of our population. That is where all our cattle posts are situated. In the course of these discussions concerning the Concession, I have gathered that this is the portion of the country in which there are likely to be mines. I can see quite clearly that if mining is started in this portion of the country, and if any minerals in great quantity are found, towns like Johannesburg will spring up just as Kimberley has sprung up. If towns such as Johannesburg spring up it means that we have lost the whole of the country. As I have stated, the Concession affects not only my Reserve, but also the Crown Lands up to the Zambesi River. Some weeks ago the Imperial Secretary made a journey across the country down to the Botletle River looking for a railway route. He returned by the road south of the Great Makalakari Salt Lake. When I went to see him in Cape Town he told me he had been accompanied by a geologist. He informed me that the geologist had told him that in the vicinity of the Salt Pan there was a possibility of finding minerals. He did not state whether it was coal, but simply mentioned minerals. If that is the case I am quite sure that towns like Johannesburg will spring up there. I also think that if there was nothing in my country, there would not be all this talk about it, as the British South Africa Company is not a Company who would bother about it. As this matter is going on in this fashion, I feel sure there must be minerals in my country, and, if that is the case, numerous towns will spring up. I would like you to read a statement made by Sir Henry Loch dated 4th April, 1894* (*letter read*). What I wish to illustrate is that Sir Henry Loch thought the Mining Company would desire land on which to form a settlement. I will return to the matter of the statement that, if mining starts, my people will find employment in their own country. Even to-day they go out of their own country to work in the Transvaal, and I speak with full knowledge of the fact that there is not one of them who ever returns from the mine with anything. The money that they earn at the mines they spend in food. So far as I can see, their wages are inadequate; otherwise they would be able to bring a portion of their wages back with them. I was invited by the Chamber of Mines in Johannesburg to go and see the mines and see there how the natives were treated. I went there, and on my return I also sent other people to go and see, as they wanted to see them for themselves. What we saw did not cause us to desire to go there to work, and it did not raise in us a desire to have mines in our own country; in fact when I visited the Johannesburg mines, I felt more afraid than ever of having mines in my own country—if mines spring up in my country, I am concerned about the women of my Tribe. I know what happens if Europeans of the mining class enter into a native country. Another thing which springs from mining is intoxicating drink. It is well known that the Chief Khama made every effort to keep down intoxicating drink in his country. The only concession made was that he agreed that intoxicating liquors might be sold on the railway strip, and that was intended for the consumption of Europeans only. If there is that small opening, I am afraid that this matter will increase. I am even now finding myself obliged to deal with cases with my own natives obtaining European intoxicating drink, and, if mining begins in my country, I am quite aware of the fact that I shall be quite unable to control it. I do not say that we do not wish to have money; we like money, and I think that is what we are talking about. When we come under the King's Government, we were told we would be protected. I take it that it was intended that not only we would be protected but

* Not printed.

everything belonging to us. If mining begins, it is not to say that we shall be enriched by it. The larger proportion of the wealth obtained from the mines will go to other people, the Europeans. What we are asking is that we also should be protected in this matter and be given an opportunity of benefiting by the riches of our own country. The time will come when we shall become more like a European country. I do not know whether my argument is fully understood. I know that whether my argument is understood or not, the main point is that I will be told that my father gave the British South Africa Company a Concession, and but for that Concession, it might be agreed that my argument is a good one. I request that we should be allowed to go into the origin of this Concession at some length. I know of the existence of the paper which was signed by my father giving the British South Africa Company the Concession. Personally, I have never seen the original of this Concession, and I have only a copy of it in my possession. I do not say that I doubt the existence of the Concession; I agree that it exists. The first point I wish to bring forward is that the Chief Khama signed this Concession not on his own account but at the desire of the Government at that time. The Concession did not begin in 1893. I do not agree with the view that it began in 1893. It began in 1887. I will read the letter which accompanied the Concession. (*Extract from letter from Sir Sidney Shippard of 30th April, 1887, read.*) I wish to emphasize the portion of this letter which refers to the granting of a sole Concession to any company. The Chief Khama replied to that letter in terms which will be found in Blue Book, C5237 of 1887, and the letter is dated the 30th May, 1887. (*Letter read.*) After those two letters, a letter which I will read now was received. In the case of those two letters the Government refused to allow Khama to make a sole Concession, and the Government advised him that if he made any Concession at all he should do it in consultation with the Government. After that, the following letter was received by the Chief Khama dated the 4th November, 1887. (*Letter read.*) What I wish to emphasize is that the way had been prepared for Khama, in the event of his giving a Concession, to do so in consultation with the Government. I have that letter and also the form of Concession which was submitted with it. I produce the form of Concession and will not read it, in order to save time. That is the Concession which the Chief Khama agreed to, as related by Mr. Johnson in his report of the 10th January, 1887, writing to those who had seen him. There are certain extracts from that report which I would like to read. (*Extracts read.*) That Concession was for two years. It was signed on the 16th December, 1887. It should have terminated on the 16th December, 1889, but it did not terminate on that day. On the 14th December, 1888, Khama wrote a letter which I will read. (*Letter read.*) As I have pointed out, the Concession was made in 1887 on the 16th December, and it was for a period of two years, and should have terminated on the 16th December, 1889, and the reason for its failing to terminate I will explain. On the 22nd April, 1889, Sir Sidney Shippard wrote the following letter referring to the matters which I have just read. (*Letter read.*) What I wish to point out in regard to this letter is that it was the Government who asked Khama to extend that Concession. From this it will be seen that the Concession was extended from the 16th December, 1889, to the 20th April, 1890, at the request of the Government. It will be seen what further took place at the same time. On the 29th October, 1889, the British South Africa Company received a Royal Charter. I wish to point out that the Concession would have terminated before the receipt of this Royal Charter, but, at the request of the Government, it was extended, and, at the time the Royal Charter was granted the Concession was still in force. The terms of the Royal Charter are well known, and I do not restate them. I will state what was explained to the Chief Khama in connection with the Royal Charter. It is well known that my father was illiterate. I will read the letter which Sir Sidney Shippard wrote to my father on the 16th December, 1889. (*Letter read.*) I wish to point out that Sir Sydney Shippard explained to Khama that the British South Africa Company had the authority of the Government to mine in his country. The latter states that. The Charter was to authorize the Company to acquire concessions from Chiefs. Sir Sidney Shippard went further and said they had been given power to mine; and that is how Chief Khama came to give the British South Africa Company a Concession. Further, Sir Sidney Shippard wished Khama to co-operate with Mr. Cecil Rhodes in 1889. This did not take place in 1893. I do not know exactly what the British South Africa Company is, but so far as I know the British South Africa Company are the following companies:—The Goldfields of South Africa Company, De Beers Consolidated Mines, the Bechuanaland Exploring Company, the Matabele Concessions, and probably other companies. The one to which I wish to draw attention is the Bechuanaland Exploring Company which is a link with the British South Africa Company. It is said that Khama gave his Concession to the British South Africa Company. It is seen now

that these companies to which Khama gave Concessions in 1887 eventually became the British South Africa Company in 1889. Khama did not know those facts. I state this, as it looks as if Khama himself gave the Concessions to the British South Africa Company. The Concession we are speaking about now is dated 1893. What I know is that I have not a document of any description which deals with the Concession of 1893. I never saw the Concession itself. I can say that if Khama had wished to refuse this Concession in 1893, he would not have been successful. Before I came overseas, I made many endeavours to try and find correspondence dealing with this Concession of 1893, but was unsuccessful. I even asked the Government for documents. I have something further to say concerning the Concession. I have stated that this Concession should have terminated on the 20th April, 1890, but it did not terminate on that date. Khama made an attempt to terminate it. On the 11th March, 1890, Khama wrote the following letter. He wrote this letter when he heard that this Company had been amalgamated with the British South Africa Company. (*Letter read.*)

MR. EALES: Is the Chief proposing to challenge the validity of the 1893 Concession?

ACTING CHIEF TSHEKEDI: I want the former Concession which led up to it, to be considered.

LORD PASSFIELD: That was terminated.

ACTING CHIEF TSHEKEDI: I have tried to explain that it was not terminated. It should have been, but it was not. In the letter which has been read the Chief Khama expressed the desire to terminate it and pointed out that it ought to be terminated.

LORD PASSFIELD: What we want to know is whether the Concession of 1893 is admitted by the Chief.

ACTING CHIEF TSHEKEDI: I am trying to point out that Khama made an endeavour to terminate the earlier Concession in 1890, and, had he been successful in doing so, he would not have agreed to this Concession in 1893. When he expressed a desire to terminate the earlier Concession in 1890, the Government said he should not terminate it.

MR. EALES: Does he admit that Khama signed the existing Agreement in 1893?

ACTING CHIEF TSHEKEDI: What I am getting at is that if I were to sign this new Concession to-day, it would be said that I agreed to mining in my country.

MR. EALES: The point raised by the Secretary of State is, whether the Chief admits that the Concession of 1893 was signed by Khama.

ACTING CHIEF TSHEKEDI: I do not understand the question in that way.

LORD PASSFIELD: What I want to know is about the Concession of 1893. Was that signed by Khama?

ACTING CHIEF TSHEKEDI: I agree that Khama signed it, but I do not agree that he did it of his own volition. He was advised by the Government to sign it. I am trying to explain that this Concession began in 1887 and not in 1893.

LORD PASSFIELD: Yes, we understand what you say.

ACTING CHIEF TSHEKEDI: I have explained how my father tried to terminate the earlier Concession and that the Government said he should not terminate it.

LORD PASSFIELD: That was in 1890, but we have not heard anything yet about the 1893 Concession.

ACTING CHIEF TSHEKEDI: I am coming to that. The letter which I have just read is the one in which my father expressed a desire to terminate the earlier Concession in 1890. I will read a telegram which was received by Sir Sidney Shippard when Chief Khama expressed a desire to terminate the Concession (*Telegram from High Commissioner to Sir S. Shippard, dated 5th April, 1890, read.*)

LORD PASSFIELD: Will the Acting Chief come to the Concession of 1893, because that is the real question?

ACTING CHIEF TSHEKEDI: I am coming to that point. I wish to show that the Chief Khama wished to terminate the Concession of 1887, and that he was advised by the Government not to terminate it. He therefore signed the Concession of 1893. In the letter which I have read Khama said that he wished to terminate the earlier Concession. He was advised by the Government to leave matters in the hands of the Government, and he accepted the advice of the Government. Then came a despatch

from Lord Knutsford as Secretary of State to the High Commissioner of the 20th August, 1890. (*Despatch read.*) What I wish to point out is that Khama wished to terminate the Concession.

LORD PASSFIELD: That is the old Concession of 1887. Khama wished to terminate that old concession and perhaps did, but he granted a new one in 1893.

ACTING CHIEF TSHEKEDI: That is where the dispute arises. I am trying to explain that the Concession of 1893 was not a new one, but originated in 1887.

LORD PASSFIELD: It is a separate one. I really cannot settle this matter. It is a legal question. If the Concession of 1893 was made, I have no power to disallow it. The dispute can be settled only by a Law Court.

ACTING CHIEF TSHEKEDI: I must respectfully ask that I may be allowed to refer in further detail to this matter. I was just getting to the point of the Concession of 1893. In 1891 Mr. Gifford wrote Khama two letters. They are both short letters. It will not take up any time to read them. One is dated the 28th July, 1891, and the other the 29th July, 1891. (*Letters read.*) I wish to show that at this point fresh clauses were put into the Concession. I have a copy of these fresh clauses, if they are required. These clauses I refer to, inserted in the Concession of 1887, go to make up the Concession of 1893. They were drawn up in 1891, being additional to the Concession of 1887. These clauses are the ones to the inserting of which the Government did not agree.

LORD PASSFIELD: We do not wish to hear any more about them. Let us come now to the Concession of 1893.

ACTING CHIEF TSHEKEDI: These are the clauses which the Government refused to have inserted in the 1887 Concession; and they were inserted in the Concession of 1893. What I have explained is that all the time the Government were telling Khama not to act on his own, but that he should act only on the advice of the Government. These clauses were inserted in the Concession of 1887 in the first instance and the Government did not agree to them, though Khama did, and eventually they were inserted in the Concession of 1893, as the Government then agreed that they might be inserted. Our tribe works in harmony with the Government. They regard the Government as their father. I think that at that time the Government should have told Khama that these clauses were not in order, but the Government did not do so. Therefore, I contend that the Concession was really made in 1887. I understand that as you have told me, you have no power to terminate this Concession. On the 15th March, 1923, Sir James Macgregor wrote to the Chief. Perhaps I would be taking up too much time if I read that letter.

MR. EALES: Is that the letter which communicated to Sekgoma the legal opinion given by Mr. Feetham?

ACTING CHIEF TSHEKEDI: Even if I do not read the letter, I should like to point out what the feeling of the Government was at that time. On the 28th March, 1923, the letter referred to by Mr. Eales was written by Sir James Macgregor to our Chief which I would respectfully request may be read. (*Letter read.*) I want to point out that at that time, the Government was willing to assist the Chief to terminate this concession and that the Government did assist him. I did not receive any Report from the Government about it at that time, I saw a statement about it in Reports of the British South Africa Company, which I should like to read.

LORD PASSFIELD: We have got all those reports. You need not take up time in reading them. We have all these documents. What I want to know is whether Khama did terminate the Concession. What did he do?

ACTING CHIEF TSHEKEDI: Khama would have terminated the Concession, but he was urged by the Government not to do so. I think I have pointed out in previous remarks that, when the Chief wished to terminate the Concession, the Government did not tell him it could not be terminated. The Government said it would assist him, and it did assist him. I have not been told when the Government ceased to help, and what was really done. From Reports of the British South Africa Company, to which I have referred, it is clear that the Government wished to try to terminate this Concession. Whether the Government failed or not, I have not been told. That is my complaint. I will explain these matters shortly. As to what took place between 1924-1929 I will not say anything, as nothing very much took place during that period. In January, 1929, I went to Cape Town on other business, not the business of this Concession. When this other business terminated, the Imperial Secretary called me to his office. I went to his office, not knowing what I had been called for. First of all, we discussed the matters which we had been discussing on the previous day. When

I was about to go, he handed me this new Concession. He said: "Here is a concession, I wish to ask you whether you would sign it." He told me about the Concession which my father had made in 1893, which I was aware of. He told me that the Concession of 1893 was not one which was limited in point of time. He explained that the new Concession which he showed me was one which had been drawn up in order to assist us. I did not understand this, as I only know of the steps that Sekgoma had taken in 1923 in regard to this Concession of 1893. It seemed to me that the policy of the Government had changed. What I did not understand was why I was asked to sign this Concession. The new Concession opened with the words "The Chief and his Tribe grant a Concession to the British South Africa Company."

Briefly, the matters which I have come here about are as follows. I will endeavour to be as brief as I can. I have shown how this Concession originated in 1887 up to 1893. I have shown how the Company which was granted this Concession in 1887 amalgamated with other Companies without Khama's knowledge. I have shown that Khama, when he found this out, wished to terminate the Concession and was told not to do so by the Government. So matters went on, and finally the Concession of 1893 was concluded. I have shown that in 1923 the Government was willing to assist us to terminate this Concession. I found myself in a difficult position when, in 1929, I was asked to sign another Concession before I knew how the matter of the termination of the 1893 Concession had progressed. I am always told that Khama gave this Concession to the British South Africa Company, but I have always said that I do not understand this since the Concession starts further back. I am asking as follows. In 1924 the Government said that mining was not beneficial to native people. When we gave up to the Government what is now Crown land, we thought that we would have the remainder as our Reserve. We gave the Government the Tuli block *(illustrating on map)* and the railway strip. We were advised by the Government to give the 1893 Concession. Mining under the Concession would deprive us of the remainder of our Reserve, as was explained in 1924. The 1893 Concession originally affected the whole of Khama's country including what is now Crown land, and the Reserve. In 1893 the Crown land was part of Khama's country. I am advised that the Concession has ceased to take effect on the Crown land but not on the Reserve. That is what I do not understand. I have something further which I would speak of after I have received your reply. I would like to stop now.

Lord Passfield: I cannot give you my answer now. A careful note has been taken of everything that has been said, and I shall have to consider this. I have only a little more time now. Will you kindly say all that you have to say, so that it all can be considered together.

Acting Chief Tshekedi: I came here to find out whether the Government cannot terminate this Concession. As far as I can see, if it is not done and if mining begins in the country, it will be the end of our Tribe. I still contend that it was forced upon us by the Government. If there is no way of terminating this Concession, I respectfully request that the British South Africa Company may be asked whether we cannot pay them back the money they have paid to us in respect of this Concession, and that they may be told that, if the time should come when we agree to mining, we would give them a preference. We do not promise that we would grant them the mineral rights but we would give them preferential rights in the same way as they have preferential rights on the Crown lands. We are helpless but that is what I have come to say. May I ask that I may be advised whether the Government can assist me in this matter in some way or other?

The second matter I wish to speak about is the question of the Masarwa. I have not a great deal to say about the Masarwa. In 1926 the High Commissioner visited our country. He spoke at great length concerning the Masarwa and the way in which they were treated. When he had left my country, I sought an explanation of what His Excellency had said, as I did not understand his having raised this question as a contentious matter. The matter was discussed with him at great length. I understood him to say that he realised that the Masarwa were not slaves but that at the same time he was not satisfied with the manner in which they were treated. I replied that if there was any doubt as to the manner in which they were treated the matter could be gone into fully, but that such a discussion required due warning. I mention this matter, as it appears in the Government Report of 1928; if there is any doubt about the treatment of them, I request that people should be sent to see for themselves how the Masarwa are treated before any legislative measures are taken. If it should appear that they are not properly treated, we should be glad to be advised so that we may treat them properly. We feel aggrieved about the publicity which was given to the matter without being discussed with us. I think I am right in stating that the

Government is not fully aware of how the Masarwa are treated and I request that the Government should go into this matter.

The third matter I wish to raise is the question of incorporation with the Union of South Africa. I know that a reply has already been given on this matter. I know that legal provision for this eventuality has been made already, and that it is in force and has been signed by His Majesty the King, and I realise that it is a very difficult matter to upset. The law was made by people who are under the King like myself, and they requested His Majesty to make this law. We are affected by this legal provision, but we were not consulted, and I think that we should have been consulted. I do not object simply on the ground that we were not consulted, but we are afraid of this question of incorporation with the Union of South Africa. The discussions which took place at that time are on record. It was suggested at that time that these countries should not be called Protectorates, but should be called Territories. We know what that means. I do not wish to discuss the matter at great length, but to state that we object to the manner in which this matter was settled. The Government deceived us, and we were not told about this legal provision. The Government under which we are, undertook to give us to another Government without telling us. I am aware of the reply which I have already received in this connection, I say no more about that matter now.

The fourth matter I wish to raise is the question of the power of the Chiefs. I heard from the Imperial Secretary some little time ago that instructions had been given to define the powers of the Chiefs by Proclamation. I was frightened at these remarks. I thought of how my father was received under Protection in 1885. I know how he gave his rights to the Government. I know that he said that he must not be deprived of his right to live in his own country. I know that my father said that he agreed to come under Protection on the conditions that the Government made the laws (not laws which affected his own people) and took the power which he had in regard to death sentences. I am not opposing definition of the powers of the Chiefs, but what I suggest is that we should be consulted, as we were in 1885, and that we should be given a full opportunity of expressing our views. We gave ourselves to the Government entirely, and we feel that what we find we are unable to do we should ask the Government to do. If we should suddenly see our powers defined by proclamation we should be greatly aggrieved, and I say that this is not in accordance with the understanding on which we were received under Protection. I am surprised that this matter should arise out of my dispute with the Ratshosa brothers. Those people shot at me without just cause. The Government, naturally, punished them. I burnt their houses, and within two days Commissioners came to inquire into this. I told them what I had done, and I contended that I had acted within my powers. If I had been at fault, they would at that time have told me so. They never told me that I was at fault. I have never been proceeded against by the Government for the burning of those houses. If I had burned a Magistrate's house I would have been prosecuted. It was the people I was fighting with who began the litigation, and I am surprised at the Government bringing this matter forward after the Ratshosa had been punished. I am surprised that, after the Government had come and investigated these matters and I had not been found at fault, a special Court should give judgment against me for burning those houses.

Lord Passfield: We cannot go into this matter.

Acting Chief Tshekedi: I am explaining how the question as to the powers of the Chiefs began. I have appealed to the Privy Council against the judgment of the Court.

Lord Passfield: That is a matter we cannot go into.

Acting Chief Tshekedi: I am surprised that the Imperial Secretary appears to have been displeased because I appealed, and that he said that, on account of that appeal, it would be necessary to define the powers of the Chiefs. That is my point. What I request is that, when the powers of the Chiefs are defined, we should be consulted. I specially request that it should not be done by Proclamation. We still place our trust in the Government, as we did before.

The final matter which I wish to discuss is that of the Ratshosa Brothers. When they shot me they were banished from my country. They were not the first people who had been banished from my country. My eldest brother has been banished by my father. He was banished by my father, and Raditladi and Phetu were also banished by the Government. All these people were banished, but they had not made an attempt on the life of the Chief of the country. All those people, before they left

the country, were told that they should terminate all their civil claims before leaving the country, and those claims were brought forward and dealt with. In the case of the Ratshosas, the same procedure was adopted, and I consider them as having been far more guilty than the persons I have named. I am a very insignificant person here, but in my own country I am an important person; I am Chief of that country. I consider that my life should be valued more highly than that of an ordinary person in the country, and I think that the people who made an attempt on the Chief of any tribe or nation, whether a progressive or backward nation, should not be allowed to return to that country again, or to bring actions against that Chief whom they attempted to kill. But the people who tried to kill me were allowed to come back again to my country. This is the first time that this sort of thing has been allowed. On previous occasions, people who have been banished have never been allowed to come back again to carry on litigation. These people were the first to be allowed to do so, and I am surprised. I have done everything I can to ask the Government to help me, but I have received no assistance. I do not understand how a person who is placed in gaol can be allowed to carry on litigation before he has served his term, but, in the case of these people, it was the case. What I ask is this. I am an insignificant person, but we have a saying that, " A man, though insignificant, may have strong feelings." I am afraid that if these people return to our country, there will be fighting again in which case we may either kill them or they may kill us. What I specially ask is that this litigation should be terminated. I do not speak here of the case which is coming before the Privy Council, but I mean the minor cases which the Ratshosa brothers are bringing.

Lord Passfield: Acting Chief, I have heard all that you have said, and a full note has been taken of everything that has passed, I will read it and consider it all very carefully, and I will give you my answer next week. I will be glad if you will come to see me again on Tuesday morning at eleven o'clock to hear the reply. As you were told when you wished to come here, some of these matters must be dealt with in South Africa, and I shall not be able to go into all the questions that you have touched upon as we have not all the details here. That is why it is necessary to have these things considered in South Africa before they are referred here. I will give very careful consideration to what you have said. In the meantime I consider it advisable that you should make arrangements for your return journey to South Africa as soon as possible. You will appreciate that it is inexpedient that the Chief or Regent of a Tribe should be absent from his people any longer than is necessary, because it is not easy for a headman to carry out the duties of an absent Chief for any length of time, and I am sure that there will be many questions that a headman cannot deal with, which will require your attention immediately on your return. It is also right that you should communicate to your tribe without delay, the words that I hope to speak to you on Tuesday next. I consider, therefore, that you should return to South Africa by the mail steamer which will leave England next week on Friday, the 4th April. If you should need any assistance in arranging accommodation for yourself and followers by the ship leaving on that date my officials will give you every possible help.

I hope you and your followers are enjoying your visit to England. I am glad that you have had what we call more than usually nice weather here since you landed, though, no doubt, you find it colder here than it is in South Africa. I thought that it might be of interest to you to have an opportunity, while in England, of seeing an experimental dairy farm, as I understand that many of your people are making considerable progress in the production of cream, and we have made arrangements for you and your followers to visit the experimental farm attached to the National Institute of Research in Dairying, near Reading, on Monday next. If that would be agreeable to you, a motor car will call for you, and your transport to the farm and back again would be arranged. You should let Captain Nettelton know if you can come, and, if so, he will accompany you. I shall want to see you here again on Tuesday morning next at eleven o'clock, and I will then give you an answer to all that you have so eloquently put before me.

Acting Chief Tshekedi: As regards the date of my departure I will consider what you have said and send a reply. I am afraid that I shall not be able to accept your invitation to go to the farm on Monday as I have important business to attend to. I thank you, Sir, but I shall be unable to go.

(The deputation then withdrew.)

10141/52.

No. 27.

TSHEKEDI KHAMA (Acting Chief of the Bamangwato Tribe)

to

MR. A. EDGCUMBE (Dominions Office).

[Answered by No 29.]

Foreign Mission Club, 151, Highbury New Park, N.5,

28th March, 1930.

My Friend,

I have enclosed my memorandum of my interview with the Secretary of State on the 27th March. I wish to give to my people a correct account of what is taking place in regard to my interviews with the Secretary of State. I believe you were one of those present at the interview, would you therefore please make any alterations on my statements if not correct, or if you are not able to do so would you kindly show my memorandum to His Lordship the Secretary of State and perhaps Lord Passfield would assist me to get a correct record.

Yours, &c.,

TSHEKEDI KHAMA.

Enclosure in No. 27.

Notes of Interview in the Dominions Office given to Chief Tshekedi Khama by the Secretary of State, 27th March, 1930.

The Secretary of State opened the interview by a friendly greeting to the Chief Tshekedi, asked the Chief how his brother's son Seretse was doing when he left his country, and expressed the hope that he believed the Chief would seek advice from the High Commissioner in regard to Seretse's education.

Chief Tshekedi thanked His Lordship on the above.

His Lordship in welcoming the Chief Tshekedi stated that as the Chief was aware he (Secretary of State) does not think any useful purpose will be served by the Chief's visit to England in regard to the mineral question affecting the Bamangwato Country and he had informed the Chief while he was still in South Africa to that effect, but nevertheless as the Chief insisted that he should be allowed to come he (Secretary of State) had consented to the Chief's proposal and was now receiving him very willingly.

Chief Tshekedi again expressed his thanks to His Lordship and proceeded to state his case, beginning with the history of the Concession in question.

While outlining this subject from 1887 up to 1889, &c., His Lordship more than once remarked that the Chief ought to come to the 1893 Concession, to which remark Chief Tshekedi on several times stated that the 1887 Concession, &c., was the 1893 Concession, and he was eventually going to link the two concessions together. Judging from the audience, it appeared to the Chief that his listeners were considering his statements off the point, this resulted in the Chief leaving out a good deal of his notes and hurried on to the more recent events of the Concession. Chief Tshekedi thought it necessary to read some more letters between the Administration and the Chiefs Khama and Sekgoma, but while he was opening his file Mr. Shirley Earles, the Acting Imperial Secretary, remarked a part of what the letters intended to be read contained, thereupon the Secretary of State intimated that he knew the letters and it was not necessary that they should be read, but the Chief requested that at least one of them should be read (28th March, 1923—Resident Commissioner to Chief Sekgoma), which request was granted. Chief Tshekedi next tried to read certain extracts from the British South Africa Company's Reports on the mining subject in question but His Lordship again intimated that he knew the reports, and the reports were not read. Short while afterwards the Chief concluded the mining question by stating that in view of the fact that Chief Khama had given the British South Africa Company Mining Concession over the whole of his country before half of it was taken by the British Government, and as the Chief understood from the Assistant Imperial Secretary's letter of the 5th April, 1929, that the British South Africa Company held preferential rights over the country taken by the Government, the Chief requested that similar arrangements be made with the Company on the same basis as those done in the Crown Lands. As the Secretary of State had a little before the Chief concluded the mining question remarked that he had only a few minutes left for the discussion, Chief Tshekedi quickly outlined the other questions, but he did not attempt to discuss the questions as he had intended.

In concluding the interview His Lordship stated that what the Chief had said had been carefully noted down and he would think over the questions and let the Chief know his decision on Tuesday, 1st April, at 11 a.m., in the Dominions Office, but in regard to some of the questions His Lordship said these probably would have to be sent back to South Africa as he did not know much about them and the correspondence was in South Africa.

Lord Passfield then went on to say that the Chief too realises that the Headman he had left in charge of affairs in his country would not do everything which is required of the Chief to do and therefore it was necessary that the Chief should sail for South Africa the next week on Friday, 4th April, and the Government would assist him to secure berths for his return journey.

Further, His Lordship intimated that he had made arrangements for the Chief to go with the Magistrate on Monday to visit a certain Creamery 40 miles from London as he understands Cream Produce was a great industry in the Chief's Country.

In thanking the Secretary of State on the manner he had received him Chief Tshekedi intimated his inability to undertake the suggested trip on Monday (31st March, 1930) and further said he would give his reply later in regard to the suggestion that he should sail for South Africa on Friday, 4th April.

In the course of the interview in answer to the Chief's request that the Government should secure the cancellation of the Concession His Lordship stated that it was not within his power to cancel the Concession, it was a matter for the Judges to decide.

10141/50.

No. 28.

TSHEKEDI KHAMA (Acting Chief of the Bamangwato Tribe)

to

DOMINIONS OFFICE.

Foreign Mission Club, 151, Highbury New Park, N.5,
28th March, 1930.

At my interview with Lord Passfield yesterday I intended to give his Lordship a copy or copies of the history of the Mineral Concession which I discussed with him, but in my hurry I forgot to leave these with him.

I enclose the memorandum which I request you to submit to him for his information.

When leaving the office the shorthand-writer asked me to furnish him with some copies of letters quoted at the interview which are included in the enclosed memorandum.

I have, &c.,
TSHEKEDI KHAMA

10141/52.

No. 29.

MR. A. EDGCUMBE (Dominions Office)

to

TSHEKEDI KHAMA (Acting Chief of the Bamangwato Tribe).

My Friend, Downing Street, 31st March, 1930.

I have your letter of 28th March,* enclosing your memorandum as to your interview on 27th March with the Secretary of State.

In reply, I am to state that when you have had your second interview with the Secretary of State a full report of both interviews will be prepared as taken down in shorthand, and a copy communicated to you as soon as it is available. The Secretary of State thinks that this will be more satisfactory than any memorandum such as yours, which is dependent only on memory of what passed. This latter cannot be accepted as a complete account of all that took place on 27th March, or as in all respects correct.

I am, &c.,
A. EDGCUMBE.

---

* No. 27.

10141/50.

No. 30.

INTERVIEW GRANTED BY THE SECRETARY OF STATE FOR DOMINION AFFAIRS TO TSHEKEDI KHAMA, ACTING CHIEF OF THE BAMANGWATO TRIBE IN THE BECHUANALAND PROTECTORATE, AT THE DOMINIONS OFFICE—TUESDAY, 1st APRIL, 1930.

Present:

The Rt. Hon. Lord Passfield (Secretary of State for Dominion Affairs).
Mr. W. Lunn, M.P. (Parliamentary Under-Secretary of State for Dominion Affairs).
Sir Edward Harding, K.C.M.G., C.B. (Permanent Under-Secretary of State for Dominion Affairs).
Mr. S. Eales, C.B.E. (Assistant Imperial Secretary, South Africa).
Mr. E. G. Machtig, O.B.E. (Dominions Office).
Capt. G. E. Nettelton (Resident Magistrate, Serowe, Bechuanaland Protectorate) (acting as Interpreter).
Acting Chief Tshekedi.
Three native followers of the Acting Chief.

(*Transcript from the Shorthand Notes of Treasury Reporter.*)

Lord Passfield: Acting Chief, I have given full and careful consideration to the representations which you made to me at our meeting on Thursday last,* and I will now give you my reply. Before dealing with each of the questions which you raised, I wish to say that I was much impressed by the earnest and eloquent manner in which you laid before me your difficulties, and I recognise that the office of Regent which you have been called upon to fulfil at an early age imposes upon you a heavy task. I am confident that you are anxious to do what is right and to act in the best interests of the people over whom you have been placed during the minority of your nephew Seretse.

I understand from the discussions and the correspondence which have taken place in South Africa as well as from what you have said to me, that your desire to visit England has been chiefly due to the questions which have arisen in connexion with the Mining Concession held by the British South Africa Company and to the announcement of the intention of the Government to issue a mining law for the Bechuanaland Protectorate. I will deal first with the question of the Concession.

I listened very carefully to your explanations of what took place in 1887 and subsequent years prior to 1893 and I gathered that you sought to show that, since Chief Khama had desired to terminate an earlier Concession, you had come to the conclusion that he did not wish to grant the existing Concession which he signed in 1893, and that he did so under the impression that he had no option in view of the Government's attitude. I have examined the arguments which you put forward to this effect, and the documents which you submitted, but I find no justification in them for the view which you suggest. Your case is that because the Government intervened in 1889 to point out to Khama that it was fair in the circumstances which had then arisen that a two years' Concession which he had granted in 1887 to the Bechuanaland Exploration Company should be extended for six months, Khama did not feel a free agent when the question of his granting another Concession arose in 1893. I cannot regard your view of the circumstances in which the Concession of 1893 was granted by Khama as confirmed by the facts of the case so far as they are on record. Nor can I accept the suggestion which, I understand, you have put forward, that when Khama concluded the Agreement in 1893 he was under a misapprehension, and that he had not intended to make such a grant to the Company. I am of opinion that such a contention could not be maintained, and, so far as I am aware, there is nothing on record which could be held to support a suggestion of that kind. On the contrary, there is clear evidence to show that, ten years after the Agreement was signed, Chief Khama frankly admitted that he understood the position of the Company in

* *See* No. 26.

respect of the grant of mineral rights, since, when he was reminded by the Government in July, 1903, of the terms and conditions of the Agreement, the reply which he conveyed to the Assistant Commissioner at Francistown was as follows: "I shall not break the Agreement, and they (*i.e.*, the Company) must not. I look to you to judge between us." A copy of the telegram containing that reply of the late Chief has, I understand, been given to you at Cape Town, and I am of opinion that the straightforward answer given by Khama to the Government inquiry in 1903 shows beyond any doubt that Khama fully understood the position of the Company under the Agreement.

Khama signed the Agreement on the 25th July, 1893, and it was subsequently approved by the Secretary of State as required by law. It is the view of His Majesty's Government that the Agreement of 1893 was a valid Agreement binding both on the Company and on Khama's successors, and inasmuch as the Company have duly discharged their obligations in terms of the Agreement its provisions must be regarded as operative unless and until it is terminated either by mutual consent or in some other legal manner.

The question of the terminability of the Agreement was raised in 1923, when, at the instance of the Chief, the High Commissioner sought legal advice on the point. As we know, Mr. Feetham (now a Judge of the Supreme Court in South Africa) expressed the view that it was competent for the Chief to give twelve months' notice of his intention to terminate the Agreement and so to bring it to an end. The nature of the legal advice given by Mr. Feetham was communicated to Chief Sekgoma by the Resident Commissioner, and, by direction of the Secretary of State, the Company was informed of the legal opinion that had been obtained. Chief Sekgoma thereupon informed the Resident Commissioner that he was desirous of terminating the Agreement, and, when this information was received in London the Company was notified of the Chief's desire. The Chief did not, however, send to the Company, either direct or through the High Commissioner and the Secretary of State, a formal notice, as Mr. Feetham advised would be necessary, of his intention to terminate the Agreement at the expiration of a period of twelve months. That was the legal position in 1923, and, in fact, that is the position to-day so far as the question of the terminability of the 1893 Agreement is concerned. We know, however, that the Company has also obtained eminent legal opinion upon the question whether the Chief is entitled to terminate the Agreement of 1893 in the manner indicated by Mr. Feetham, and that the Company's legal advisers differ from the opinion expressed by him. We know also that, if Chief Sekgoma or the present Regent had given or were now to give the Company formal notice of an intention to terminate the Agreement of 1893, it would be open to the Company to institute legal proceedings with a view to obtaining a decision by the Courts on the point at issue, and such a decision, if given, would be binding both on the Company and on the Chief and tribe. What we do not know is whether, if such notice were given and legal proceedings were to be instituted, the Company or the Chief would be successful in an appeal to the Courts. The Chief might win his case, but there is also risk that he might lose it.

In view of the conflict of legal opinion which came to light on this occasion, the High Commissioner and the Secretary of State proceeded to consider whether some means of settling the matter could be devised without incurring the risk involved by legal proceedings, and after careful examination of the whole position, including the past history of the matter, the Secretary of State decided to authorize the High Commissioner to discuss with representatives of the Company the possibility of framing a new Agreement which, while it would provide for the termination within a specified period of the Company's existing mining rights over the whole reserve, would also secure to the Bamangwato tribe greater benefits than they would enjoy in the event of the present Agreement continuing in operation. After prolonged negotiation with the Company as well as consultation with you, as Regent, and those whom you had engaged to advise you, His Excellency arranged for a revised Agreement to be drawn up which was likely to be acceptable to the Company and which the High Commissioner considered would be fair and reasonable from the point of view of the interests of the Bamangwato; and with my approval, the High Commissioner, while informing you that you were perfectly free to accept or reject the revised draft agreement, advised you to sign it. As the High Commissioner told you at his interview with you at Cape Town in August last, my view of the matter was expressed as follows, viz., while I wished you to choose freely the course you thought best and desired you to understand that I did not wish to put any pressure on you to sign the new concession, I nevertheless agreed with the High Commissioner's opinion that you would be well advised not to lose the opportunity which has now occurred of revising the 1893 Concession in a direction which seems likely to benefit the tribe generally if mining development is carried out under it. I now confirm to you those words which His Excellency spoke to you in my name and on my behalf.

Acting Chief, as I have already informed you, the High Commissioner has sent to me full reports of his conversations with you, and His Excellency has also forwarded to me a copy of the correspondence with you and with Mr. Jennings and Mr. Buchanan, who have been advising you. I think it right that I should tell you that I read with surprise and regret your letter to the High Commissioner of the 24th January,* handed by you to His Excellency at an interview which Lord Athlone granted to you, but I am glad to add that I was pleased to read also your letter to His Excellency of the 29th January† in which you withdraw your earlier letter and at the same time conveyed to His Excellency an assurance of your utmost confidence in the High Commissioner and of your unswerving loyalty to the Imperial Government. It ought to be unnecessary for me to assure you that the High Commissioner and his officers have the welfare of your tribe closely at heart and that they are inspired by the wish to help your people. His Excellency has placed you, a son of Khama and uncle of the young Chief Seretse, in a position of responsibility and trust as Regent of the Bamangwato, and I am confident that on reflection you will realize that, so long as the High Commissioner maintains you in that position, it is your duty in all matters affecting the welfare of your people to place complete reliance on the words of the High Commissioner and his officers whom His Majesty's Government have appointed to advise and guide you and your people.

You have implied in your speech that the Government has changed its attitude towards mining and have asked for a written statement to the effect that whereas the Government at one time was not in favour of mining development in the Protectorate it has now ceased to be opposed to it. I cannot accept this view. In the case of the Bamangwato country, the Government could not disregard the existence of the Concession granted by Khama to the British South Africa Company in 1893, and the wish of the Company to exercise its right thereunder. In these circumstances, the Government's efforts have been exerted in the direction of securing as far as possible that if mining takes place under the Concession the interests of the native occupiers of the land should be safeguarded and protected; and it was with this in view, as I have explained, that the draft of the new Concession was negotiated. The care of the Government will be that any mining operations conducted in the Territory, whether in a Native Reserve or on land owned by European settlers or by the Crown, should be without detriment to the welfare and progress of the people.

With regard to the provisions of the draft mining law, the full text of which will be made public before it is issued and at the earliest possible date, I may say that the Government is taking great care to ensure that in the operation of the proposed law in those parts of the Territory to which it may be applied, the fullest possible protection shall be afforded to the occupiers of the land, whether European or native, and whether resident in a native reserve or on Crown land or private land.

Before passing from this question, I cannot better summarize what I have so far said in regard to mining than in the words used by Lord Athlone in his letter of the 27th January,‡ which I here repeat:—

> 1. That, while the Concession granted by the late Chief Khama stands, the British South Africa Company has the right to mine in the Bamangwato reserve.
>
> 2. That the Government has no power to stop the Company mining under this Concession.
>
> 3. That the Government cannot terminate the Khama Agreement; only you yourself, as successor to Khama, can take action with a view to its termination.
>
> 4. That if you desire to terminate the Concession, the Government has no desire to prevent you taking steps to this end, and you have been informed that, if you wish to try and terminate the Agreement, the proper course is to give the Company twelve months' notice of your desire to terminate it.
>
> 5. That the Mining Proclamation will not take away any rights which the Bamangwato may possess over the minerals in their reserve. It merely directs how mining is to be conducted in places where the owners of minerals wish to mine and is intended to protect chiefs and their people who have handed over their minerals to others.
>
> 6. That if a tribe owns the minerals in their reserve the Proclamation gives no power to anyone to mine without the Chief's consent. If anyone advises you to the contrary I (that is, the High Commissioner, who is writing) ask you to accept my assurance that they are wrong.

---

*Enclosure 3 in No. 16. † Enclosure 5 in No. 16. ‡ Enclosure 4 in No. 16.

7. That the Proclamation will be issued in due course, but will not be applied to your reserve unless the British South Africa Company commences prospecting or mining operations in your reserve.

8. That, before it is issued, the Proclamation will be submitted to the European and Native Advisory Councils for any observations they may have to offer. It will be applied to all areas in which mining operations are taking place.

That position is unchanged, and I confirm the words used by His Excellency.

I will now refer to the representations which you have made on the subject of the future government of the Protectorate. I can only repeat that there is no proposal for the transfer of the Protectorate or any part of it to the Union of South Africa under consideration at present, and I have no reason to suppose that such a proposal is likely to be put forward in the near future. In any case, as you are aware from assurances which have been given in the past, the natives of the Protectorate will be afforded full opportunity to express their views on any such proposal, and any representations which they might make would receive most careful consideration before any decision is taken. An intimation to this effect has already been made to you by His Excellency the High Commissioner, and I confirm Lord Athlone's words. The suggestion which you made in your speech to me that Section 151 of the South Africa Act should be repealed is not one which it is possible to act upon.

With regard to the position of the Masarwa, I have read the words spoken by the High Commissioner when he visited Serowe in 1926. Lord Athlone said: "The Government will not allow any tribe to demand compulsory service from another, and wants to encourage the Masarwa to support themselves. Any Masarwa who wish to leave their masters and live independently of them should understand that they are at liberty to do so, and that if the Mangwato attempt to retain them against their will the Government will not allow it." Those words were spoken with the full approval of the King's Government, and they cannot be changed or questioned, nor can I admit, in such a matter, the view which you put forward that the concurrence of the Chief should have been sought before the announcement was made and published. It is the right and privilege of every man to live free, and to work for himself or for others as he may choose, and so long as he obeys the laws of the land no one may interfere with him. After having spoken those words, the High Commissioner had some conversation with you about the Masarwa, and you explained to His Excellency the position with regard to these backward people. Lord Athlone sent a full report of that conversation to my predecessor, and I have read it. You may therefore be assured that I fully understand the position of the Masarwa. I have no doubt, however, that in time the Masarwa, like the Bakalahari, will progress and become useful members of the tribe. Their progress will perhaps be slow, but I rely on the Chief and the more enlightened Mangwato to assist them in every possible way.

You have referred to the case of the brothers Ratshosa, who committed a grave offence when you were shot at and wounded. For that offence they were tried and punished by imprisonment, and now that they have been released from prison they have been ordered by the High Commissioner to live outside the Bamangwato Reserve. If they disobey that order, they will be arrested and dealt with in accordance with the law. But the fact that they have been guilty of a serious offence against the peace for which they have been punished cannot deprive them of the right of access to the Courts if they consider that they have suffered damage as the result of any action of the Government or the Chief or anyone else. If they have no legitimate ground for applying to the Courts you may be assured that in that case they will not prevail. In this matter of civil actions in the Courts, I counsel you to exercise patience, secure in the knowledge that justice will be rightly administered and that unjust complaints or accusations will not succeed. You must remember that Chiefs, like Governments, are frequently wrongly accused of misdoing, and you must therefore exercise patience and restraint in these matters. If, however, the Ratshosas disobey the High Commissioner's order and enter the Bamangwato Reserve without permission, you should at once communicate with the Magistrate in order that the Government may decide what action is to be taken.

With regard to the powers of the Chiefs, I had in any case intended to take the opportunity afforded by your presence in England to refer to the question of making statutory provision in order to establish on a proper legal footing the jurisdiction and powers of the Courts of the Chiefs in the Protectorate when trying cases in accordance with native law and custom, and I am glad that you have mentioned this matter. It is not the fact, as implied in your speech to me, that this question has arisen out of the appeal which you made in a certain matter to the Judicial Committee of the Privy Council, though, as you are aware, the absence of statutory authority for the exercise

of jurisdiction by the Courts of the Chiefs was mentioned in the Judgment of the Special Court of the Protectorate when the matter referred to was before it. The question of the authority and powers of the Chiefs' Courts is a matter of serious concern to the Government and the Chiefs, as well as to the people over whom the Chiefs exercise jurisdiction, and it is, of course, important, in the case of the Native Courts as in the case of the European Courts, that adequate safeguards should exist to ensure the due and proper administration of justice, and that subject to such safeguards the authority of the native Courts should not be open to question on legal grounds. I am advised that provision to enable the requisite legal powers to be conferred on Courts of Chiefs is contained in the High Commissioner's Proclamation on the 10th June, 1891, and I contemplate that the Resident Commissioner should be asked to examine the whole question, and after consultation with the Chiefs and the Native Advisory Council, to frame proposals which could receive the consideration of the High Commissioner and the Secretary of State with a view to regularizing the position and giving the requisite legal sanctions to the Chiefs' Courts in the exercise of jurisdiction according to native law and custom. That question will require careful consideration, and I expect you, as acting Chief of the Bamangwato, to co-operate with the Government in the consideration of this important matter of regularizing the position and defining the powers of the native Courts.

Acting Chief, I have given you my answers upon the various questions which have been raised, and in respect of which you came to England to consult me. A report of what has been said at both your interviews with me has been taken down in shorthand, so that all the words spoken may be on record. This will be sent to you as soon as possible. You should personally communicate my answer to the Bamangwato immediately on your return to South Africa, and you will then be in a position to consult them fully in regard to the proposed new agreement with the British South Africa Company before you notify your decision in the matter to the High Commissioner. I have dealt fully with the questions of principle involved both as regards mining and other matters. Any further negotiations with regard to the proposed new Agreement with the British South Africa Company, and any further discussion as to the terms of the mining law must now be carried out in South Africa. If you or any of the Protectorate Chiefs or the European or Native Advisory Councils have any suggestions to make with regard to any of the provisions of the draft mining law the proper course will be to submit such suggestions in the usual way to the Resident Commissioner and His Excellency the High Commissioner, on whom you may rely, with complete confidence, to do everything within their power to safeguard the interests of your people and to help them to advance along the path of civilization.

I am very pleased to have been able to meet you and to have had an opportunity of talking to you. You and the Young Chief and your people may be assured of the constant interest of His Majesty's Government in your welfare.

Acting Chief Tshekedi: May I be allowed to speak a few words?

Lord Passfield: Yes, but it must not take long.

Acting Chief Tshekedi: It will not take long. I have heard what His Majesty's Secretary of State has said on the point that when Khama signed the 1893 Concession he fully understood what he was doing. I shall not attempt to dispute the words spoken by His Majesty's Secretary of State; my only contention is that my father did not sign this Concession of his own motion, but that he did so in conjunction with the Government. That is what I have constantly emphasized. I think it is well known that my father did not at any time disagree with the Government. I have mentioned that Sir Sidney Shippard wrote a letter in 1887 advising my father not to make any concession without consulting the Government, and also that he should not sign such a Concession without the advice of the Government. I think that that statement is on record in writing. I do not think that my father was a man who, after such advice, would have ignored it and signed a concession without the counsel of the Government. In 1923, the Chief wished to terminate the Concession, and that is the point which I am pressing. I wanted to place on record the fact that the Chief wished at one time to terminate the Concession, and I am under the impression that the Government were aware of this desire. As regards the statement that the Chief in 1924 failed to notify the Company of his desire to terminate the Concession, I do not fully understand this contention. I am under the impression that Sekgoma wrote a letter in April, 1924, requesting the Government to give the Company six months' notice to terminate the Concession. I think that this letter is on record. I have not gathered what the policy of the Government is in regard to mining apart from this Concession. What I ask is: Had there been no Concession in existence, would the Government have forced us into mining or agreed to it? I do not understand how the Government, if there were no

Concession in existence, could force us to allow mining to proceed. I ask whether, if we are successful in terminating this Concession, we will then be free to decide whether or not we will have mining in our country, shall we be told that mining must be allowed? I think that these questions are ones which my tribe may require me to answer on my return. They are questions that I have constantly asked in South Africa, but I have not received a reply to them.

LORD PASSFIELD: I think I may say that it has already been stated that if any Tribe or Chief in the Bechuanaland Protectorate does not want to allow mining, the Government will not compel them to allow mining, but agreements must be maintained as long as they exist.

ACTING CHIEF TSHEKEDI: I now understand. This is the first time I have really understood the position. I understand that, if there were no concession in existence, the Government would not compel us to allow mining.

LORD PASSFIELD: You have been told that no pressure is put upon you to sign this new agreement which has been drawn up. You can refuse it or not, but until the Law Courts decide otherwise, we must uphold the Concession which has been granted. We put no pressure upon you to agree to anything else.

ACTING CHIEF TSHEKEDI: I appreciate, Sir, what you say. I understand that the Government must uphold the Concession. It was the other point that I had not fully understood.

LORD PASSFIELD: It is clear, and the High Commissioner has made it very plain, that no pressure is put upon you and your Tribe to make a new agreement. You are at liberty to refuse to sign the new agreement if you like.

ACTING CHIEF TSHEKEDI: I fully understand. What I did not fully understand was the position if the Concession were terminated.

LORD PASSFIELD: The new mining law recently proposed will give no authority to anyone to *mine*; it will only regulate *mining* in those cases in which the Tribe and Chief have given authority to someone to mine. We cannot allow anyone to mine without a proper regulating law, but the law will not enable them to *mine*; it will only regulate mining where this is allowed.

ACTING CHIEF TSHEKEDI: I appreciate the fact that the question of the mining law awaits further discussion, but there is one point about it which I do not understand, namely, how it can deal with lands over which there is no Concession. What has alarmed me is the mention of the name Serowe in the law.

LORD PASSFIELD: We cannot discuss that here. You must discuss that with the High Commissioner in South Africa. The mining proclamation will not be issued until you have been consulted.

ACTING CHIEF TSHEKEDI: I understand that, and I will leave the point. Another point which I wish to raise is that although it is contended that my father signed the Concession in 1893 voluntarily, I have endeavoured to show that the Government was of the opinion that it was not a beneficial Concession, because it gave to one Company the sole right of mining in our country. It would appear from this that the Government did not advise Khama as well as the Government should have advised a Chief under its protection.

LORD PASSFIELD: We cannot now inquire what advice was given in 1893, but, after all, even Governments learn by experience, and that is why the present Government wishes you, if you are bound to allow mining, to have a better agreement than the one which was signed by Khama. We cannot undo the one signed by Khama except by consent or by your having the right to terminate it, and we do not know if you have the right to terminate it.

ACTING CHIEF TSHEKEDI: I understand that, Sir, but my point is that the Government allowed Khama to give the sole mining rights to one Company.

LORD PASSFIELD: I do not know what advice was given.

ACTING CHIEF TSHEKEDI: I think that the Government might have advised him better. I know the feeling of the Bamangwato people in regard to mining. I well know that they are opposed to mining in their country. They will probably be desirous of terminating this Concession. My first step will be to attempt to come to an arrangement with the British South Africa Company by agreement, as you have just now suggested. I do not know at this stage whether or not I will go to law about it, as I do not know what attitude the Company will take up. It is not only that we are unwilling to have mining in our country but we are afraid of it. We have seen what effect mining has elsewhere; we know that if it begins in our territory we are done for. I propose to ask the Government to assist me in my negotiations with the British South Africa Company in regard to this Concession. I am not asking for monetary compensation. The British South Africa Company have no land which they

could give me in compensation, but the Government has such land. That is my reason for requesting the assistance of the Government in this matter. As I have stated, the Government did not advise my father as I consider it their duty to have done, and I therefore look to the Government to assist me with land as they are the sole landowners outside the Tribal Reserves.

LORD PASSFIELD: That is not a matter which can be discussed here. We cannot assist you here in your negotiations with the Company. That is exactly what the High Commissioner was doing at Cape Town. We could not make any Concessions here in regard to land. We have not the information here enabling us to consider that, and only the High Commissioner can do it. You will have to discuss that in South Africa with the High Commissioner.

ACTING CHIEF TSHEKEDI: I appreciate that you cannot discuss this matter, but I would like to know whether the Government would be able to assist me in this matter of land, because I understand it would need your final approval, even though it would have to be discussed with the High Commissioner in the first instance.

LORD PASSFIELD: If the High Commissioner felt himself able to recommend any particular course, I should of course not wish to oppose the High Commissioner's recommendation, and I should consider it as favourably as possible. I cannot promise to accept it, but if the High Commissioner is able to propose something which could be done to help you, I should be probably able to agree to it though I cannot give an undertaking in advance.

ACTING CHIEF TSHEKEDI: I understand that, but I would like to say, now that I am here, that the only course which would satisfy my Tribe would be to be compensated with land. I realize that I cannot expect a reply now.

LORD PASSFIELD: You must go back and see the High Commissioner about that, and discuss it with your tribe. That will be the only way in which you can get the matter settled.

ACTING CHIEF TSHEKEDI: I know the wishes of my tribe. It remains for me to negotiate with the High Commissioner. As regards the Masarwa, I doubt whether you understand me correctly, or perhaps I did not make myself sufficiently clear. I did not say that I should have been consulted in regard to the Masarwa before the High Commissioner made his statement. What I said (and I think I am right in saying it) is that the Government does not understand the real status of the Masarwa. What I ask is that the Government should inquire into this matter. They should send and make full investigation, so that they may fully understand the position of the Masarwa. I do not think that the Masarwa are regarded by the Bamangwato in a worse light than the Bamangwato are regarded by the Government. My only point was that if there was any doubt about the status of the Masarwa, the Government should make it its business to investigate the matter.

LORD PASSFIELD: That will be a matter for the High Commissioner. The High Commissioner will, no doubt, listen to any representations from you and take such steps as he may consider necessary.

ACTING CHIEF TSHEKEDI: As regards the Ratshosa Brothers I note what you have said. It is a serious matter for me, and I would like to place on record that I am not satisfied with the manner in which the Government is prepared to deal with this matter. I do not agree with the policy adopted by the administration in South Africa in regard to these people. I do not think that you fully appreciate this matter.

LORD PASSFIELD: I can only repeat that the Government here maintains the view which the High Commissioner has taken. We may not be so fully informed as to details, but we rely upon the High Commissioner, and what he has said has our support.

ACTING CHIEF TSHEKEDI: It is a serious matter for me, and I wish to place on record that I am not satisfied with the manner in which the Government in South Africa has dealt with it. I might even go further. I spoke to the Earl of Athlone on this matter, and, so far as I could see, he agreed with my views. In the subsequent correspondence the views put forward by the High Commissioner differed from those put forward by him in conversation.

LORD PASSFIELD: I cannot consider that. There is always a possibility of misunderstanding of spoken words, and when you get a written word, that written word must be taken as final.

ACTING CHIEF TSHEKEDI: The Earl of Athlone said to me that if the Ratshosa were allowed to come back to my country they would cause me great trouble and that the trouble would continue. He also expressed the wish that I should be successful in my litigations.

LORD PASSFIELD: That was very kind of him. But we cannot influence Courts of Law. The Government cannot compel Law Courts to give a decision in one way or the other. We have no power to do so.

ACTING CHIEF TSHEKEDI: I understand that the Courts cannot be instructed as to their decision, but I know that in years gone by the Government has refused to allow actions of this description to be brought, and has stopped them.

LORD PASSFIELD: We cannot take such action.

ACTING CHIEF TSHEKEDI: I can prove that they have been stopped in the past.

LORD PASSFIELD: Nowadays we cannot prevent anyone from going to law to obtain justice if he thinks he has a grievance.

ACTING CHIEF TSHEKEDI: I understand you, Sir, but I can prove that in 1920 a case was stopped by the Government. That is all I wish to say, Sir. I will now await a copy of the reply you have given me, Sir. I will then be able to consider it carefully and perhaps appreciate what I have not quite followed hitherto. I request that if there is anything that I do not fully understand, I may be allowed to have it explained to me more fully.

LORD PASSFIELD: Yes. You will have received the letter just sent to you expressing my view that you ought to return to South Africa next week. I should like to know what arrangements you are making.

ACTING CHIEF TSHEKEDI: I have not yet made arrangements, Sir. I do not think that the Magistrate who is present could say that I am a man who neglects his tribal affairs, or that I am a man who travels about aimlessly without considering the affairs of his tribe. When coming here I had no intention of staying long. I know that my tribe requires me back. I ask, however, that I should be given a little time to see this country. It is the custom of a person or a Chief if he goes to another country to be interested in the country he visits and to investigate how things are done in that country. I shall not have another opportunity of visiting England, and I should like to see other parts of England before I return. My intention was to leave in May, and I should like to spend the whole of April in England. I am not travelling for my own pleasure, there are various matters connected with my tribe which I have to deal with while I am here. That is my reply to the letter which I have received to-day. When in 1895 my father came here he made many good friends who have not forgotten him, and those people are requesting me to visit them. I should feel very sorry if I had to leave the country without seeing them. One matter which particularly affects my country is the question of intoxicating drink: and many of the Temperance Societies in this country have requested that I should visit them. I should feel very sorry if I were compelled to leave before seeing those people.

LORD PASSFIELD: Well, I am not pleased. I do not want to ask you to go back before a reasonable time, but I think it very important that my answer should be communicated without delay to your people. Also it is most desirable that you should not be absent from your duties as Acting Chief any longer than necessary. I have told you that I consider that you should return to South Africa shortly. If your departure is postponed, you ought not to stay longer than the month of April at the most. That will give you the whole month of April to see England. I may have to request the High Commissioner to arrange for my answer to be communicated to your tribe in your absence, and it may be necessary for the High Commissioner to consider the position as regards the arrangement for the conduct of the affairs of your tribe. He may, if he thinks it necessary, have to take action in that matter. I consider that you should not remain in England for longer than at any rate the month of April in order that you may not be absent from your people for an unduly long period. You will have time in the coming weeks to see your friends and attend to any other business you may have to see to, as well as to make your arrangements with your legal advisers. Your case will not come before the Privy Council for several months, so we are told.

ACTING CHIEF TSHEKEDI: I understand that the case will be heard in July. I do not propose to wait for the appeal.

LORD PASSFIELD: I must ask you to return at the end of April, but we may have to arrange that your people should not be kept unaware of what answer I have given you.

ACTING CHIEF TSHEKEDI: The words I have heard from you about mining will not be new to my tribe. If the High Commissioner arranges for my people to be informed in my absence I know what view they will take. I am not afraid of that.

LORD PASSFIELD: It is not a question of whether you like it or not. The question is that we shall have to do our duty to the tribe and tell them without delay.

ACTING CHIEF TSHEKEDI: I do not mind arrangements being made for the reply to be communicated to my people in my absence. I shall not object to this course.

25

LORD PASSFIELD: I must rely on you to arrange to leave England by the end of April. There is a steamer, I am told, on the 2nd May. That will give you the whole of April in England.

ACTING CHIEF TSHEKEDI: I have listened to what you have said. If I find that I have completed my business before the 2nd May I will go by that steamer, but if I have not completed it, I may not be in a position to do so.

LORD PASSFIELD: If you do not sail on the 2nd May we shall have to consider the advisability of getting the High Commissioner to make arrangements for the conduct of your tribe during the extended period of your absence. I am very pleased to have seen you.

(The deputation then withdrew.)

10141/42.

No. 31.

DOMINIONS OFFICE

to

BRITISH SOUTH AFRICA COMPANY.

Downing Street, 3rd April, 1930.

SIR,

I AM directed by Lord Passfield to acknowledge the receipt of, and to thank you for your letter of the 20th March* relative to the concession granted by Khama, former Chief of the Bamangwato, to the British South Africa Company on the 25th July, 1893.

2. Lord Passfield has noted the views expressed by the Company and is obliged to them for this re-statement of their position in relation to this question.

3. His Lordship is also communicating a copy of your letter to the High Commissioner for South Africa.

I am, &c.,
E. G. MACKTIG.

10141/50.

No. 32.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 4.20 p.m., 4th April, 1930.)

No. 41. Your telegram 24th February, No. 27.† I have given Tshekedi two interviews. At the former he stated his case and at the latter I gave him my reply. Line of my reply on mining question was to recapitulate position as previously communicated to him by you and to inform him that, after conveying my reply to his Tribe on his return, he should advise you of his decision regarding revised draft agreement. Eales who sails 4th April has full particulars of what passed. Despatch containing verbatim reports of interviews will follow by mail of 11th April. As regards date of Chief's return I have urged him to sail at an early date on the grounds that (*a*) there should be no delay in communicating my reply to the Tribe, (*b*) he ought soon to resume his duty as Regent in the interests of his Tribe. In reply he pleaded engagements made in England during April, and in the circumstances I agreed to his staying till boat of 2nd May. Further telegram will be sent when date of departure definitely arranged. As circumstances of Chief's visit here preclude Nettelton from maintaining close touch with him, and as Nettelton is anxious for private reasons to return South Africa as soon as possible, I propose to arrange for him to sail by boat of 11th April. Do you see any objection?—PASSFIELD.

---

* No. 21.

† 10141/28: not printed.

10141/50.

No. 33.

MR. E. B. BOYD (DOMINIONS OFFICE)

to

TSHEKEDI KHAMA (ACTING CHIEF OF THE BAMANGWATO TRIBE).

MY FRIEND, Downing Street, 5th April, 1930.

AT the interview which the Secretary of State gave you on 1st April, Lord Passfield promised to send you as soon as possible the record of the proceedings at the two interviews accorded to you by him, and more particularly the text of the reply which he made on 1st April to the representations which you had submitted at the earlier interview.

I now send to you, by Lord Passfield's direction, the two records,* the second of which contains his speech to you on 1st April.

I am, &c.,
E. B. BOYD.

10141/56.

No. 34.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

[Answered by No. 39.]

(Bechuanaland Protectorate.)
(Confidential.)
(No. 143.)

MY LORD, Downing Street, 10th April, 1930.

IN confirmation of my telegram No. 41 of 4th April,† I have the honour to inform you that I have twice received Tshekedi Khama, the Acting Chief of the Bamangwato Tribe, during his present stay in this country. The first interview took place on 27th March, when the proceedings consisted, in the main, of a statement by the Acting Chief of the matters on which he wished to consult me. I enclose copies of the correspondence‡ which led up to this interview, and a transcript§ of what was said in the course of it. On the following day, Tshekedi submitted a written memorandum‖ (a copy of which, with a copy of the covering letter, I transmit) amplifying what he had said at the interview. On 1st April I received him a second time, and gave him my reply on the questions which he had raised. A transcript¶ of what passed at the second interview is also enclosed, as well as copies of correspondence** with the Acting Chief regarding the notes of both interviews.

2. My speech to the Acting Chief on 1st April discussed fully the various matters on which he had made representations and, in particular, the question of the mining concession in the Bamangwato Reserve held by the British South Africa Company. It is unnecessary, in the circumstances, that I should deal with them in detail in this despatch; though I should draw your special attention to the reply which I gave to a supplementary question of the Acting Chief on 1st April as to the general attitude of the Government in relation to mining in the Bamangwato Reserve, if there were no concession in existence.

3. I will take this opportunity of referring to certain points raised in the despatches on this matter which you have sent me, and before doing so, I should like to convey to you my thanks for the very full reports which I have received from you in regard to the objects of the Acting Chief's visit to England. The complete information contained in your despatches as to the questions at issue and as to recent discussions with the Acting Chief in South Africa in regard to them has greatly facilitated the task of replying to his representations.

4. A number of your despatches (*e.g.*, your despatches No. 76 of 7th February,†† No. 122 of 28th February,‡‡ No. 123 of 28th February,§§ and

* No. 26 and No. 30. † No. 32. ‡ No. 22, No. 23 and No. 24. § No. 26. ‖ No. 27.
¶ No. 30. ** Nos. 27, 29, 33, 10141/51: not printed, and 10141/53: not printed.
†† No. 16. ‡‡ 10141/36: not printed. §§ 10141/37: not printed.

No. 134 confidential of 28th February*) deal with the circumstances in which Tshekedi asked to be allowed to proceed to England and with Press comments in South Africa on the alleged pressure brought to bear on the Acting Chief by officers of the Government to sign the proposed revised mining concession to the British South Africa Company. I regret the inconvenience which this Press campaign, directed against the High Commissioner's staff, may have caused you and your officers. It will be seen from the enclosed records of the interviews which I gave the Acting Chief that I repeatedly informed him that he should look for counsel to the High Commissioner who, I was well aware, had the interests of the Chief and his Tribe closely at heart; and I am sure that my attitude can have left him in no doubt as to how I view this aspect of the matter.

5. The gist of my advice to the Acting Chief in regard to the mining question was that he should return to the Bechuanaland Protectorate and convey to his Tribe the answer which I had given him, and, after doing so and after such consultation with you as he might wish to have, should advise you of his decision in regard to the proposed new concession to the British South Africa Company. As regards the latest draft of the mining concession forwarded with your despatch No. 125 of 28th February,† I shall now arrange for this to be examined here in detail, and I will address you further in regard to it in due course. You will notice that the Acting Chief was informed by me that the Mining Proclamation would not be issued until he had been consulted in regard to its terms.

6. Your despatch No. 107 of 21st February† deals more generally with recent events in the Bamangwato Reserve, and indicates that the Acting Chief has for some time shown signs of distrust of the Bechuanaland Protectorate Administration, and that his relations with the Administration have thus tended to become less satisfactory than they were in the past. I fully appreciate the difficulties which this position of affairs has brought about, and I can only trust that, when the mining question has once been disposed of, an improvement will take place, and that with the exercise of tact and patience, better relations will be restored. I take this opportunity to refer to the question of defining by law the power of the Chiefs and of the native courts in the Bechuanaland Protectorate. You will see that I informed the Acting Chief that I contemplate that the Resident Commissioner should be asked to examine the whole question, and, after consultation with the Chiefs, and the Native Advisory Council, to frame proposals which could receive the consideration of the High Commissioner and the Secretary of State, with a view to regularizing the position and giving the requisite legal sanctions to the Chiefs' Courts in the exercise of jurisdiction according to native law and custom. I shall be glad if you will now ask the Resident Commissioner to consider in detail what form of legislation would be requisite to give effect to this decision, and if you will report to me your views as to this before further action is taken.

7. I now pass to the question of the duration of the Acting Chief's stay in England. I enclose copies of correspondence which has passed with him on this matter. At the interview on 1st April the Acting Chief pleaded a number of engagements during April which he had provisionally made here, and, in the circumstances, I agreed to his postponing the date of his return until the first boat in May. I will inform you by telegram when I hear that the date of his embarkation is definitely fixed. You have suggested in your telegram of 7th April‡ that I should inform him that I do not expect to see him in England again in connexion with his Appeal in the Ratshosa case to the Judicial Committee of the Privy Council, which is not likely to come on for some months' time. As the Acting Chief informed me at the interview on 1st April that he did not wish to stay in England until the Appeal was heard and intimated that "he would not have another opportunity of visiting England," I doubt the advisability of my communicating with him in the sense suggested, and I should prefer the question to be left over for consideration in the event of his expressing the wish hereafter to return to England in connexion with the Appeal, which I take to be unlikely.

8. The presence of Mr. Eales and Captain Nettelton in this country proved of the greatest assistance both to myself and to the officers of the Dominions Office in dealing with this question, and I am very glad to put on record my appreciation of their help. I would add that Captain Nettelton proved himself a most efficient interpreter.

I have, &c.,
PASSFIELD

---

* 10141/38: not printed. † 10141/39: not printed. ‡ 10141/56: not printed.

10141/58.

No. 35.

TSHEKEDI KHAMA (Acting Chief of the Bamangwato Tribe)

to

DOMINIONS OFFICE.

[*Answered by No. 36.*]

Foreign Mission Club, 149-151, Highbury New Park,
London, N.5, 10th April, 1930.

My Friend,

You promised me at the end of the last interview that you would explain to me any points in your reply to my case which I might not understand.

In the first place I ought to explain in regard to your question about the education of my nephew, Seretse, and my reply to it, that I did not mean to say that his education was being neglected, he is attending day school of course, and in addition I have provided him with a private tutor to teach him English. In my reply I wished to say that I had not sent him away to boarding school outside my country as I should like to do because there are no suitable schools in my own country of the necessary standard, on account of the backward state of education in it and the absence of any provision for secondary education therein.

The points which are not clear to me are :—

Mining Question.

(1) I cannot find any reference or explanation in Your Lordship's written reply to the question I raised as to the reason why the concession signed by Chief Khama in 1893, and which conceded to the British South Africa Company the mineral rights of the whole of his country, which at the time of the cession stretched right up to the banks of the Zambezi River, has been altered by the Government and the Company so as to exclude that portion of the original Concession over the land now known as the "Crown Land," yet the Government assures me that it has no power to alter the Concession in regard to that portion of the original Concession over the country which is still in the possession of the Bamangwato Nation. When did the Government cease to exercise its power to determine the Concession? Since that right has been exercised by the Government in its own interest, why cannot the Government exercise the same right on behalf of the interests of the people which it promised to protect? I have asked that a similar re-arrangement might be made by the Government with the Company which would cancel the present Concession and grant similar preferential right to the Company to take up a Mineral Concession at such time as the Tribe wish mining should take place, but that then negotiations should take place on the basis of an open market for the potential assets of the Bamangwato Country. If the Government would undertake to do this for us, we would be prepared to repay the Company such rents as have already been secured, less the value of the minerals extracted by the Company to date.

(2) The Secretary of State in his reply says "the Chief did not, however, send to the Company, either direct or through the High Commissioner and the Secretary of State, a formal notice, as Mr. Feetham advised would be necessary, of his intention to terminate the agreement at the expiration of a period of 12 months."

In the course of my remarks on this point on the 1st of April I said I do not fully understand the above contention, as Sekgoma wrote a letter in April, 1924, requesting the Government to give the Company six months' notice to terminate the Concession. The following is a copy of an extract from the letter of Sekgoma referred to :—" through kind advice I am prepared to confirm the statement and the suggestion of cancellation which recently were placed before Your Honour's notice by my late father."

"I should deem it proper and fair enough that Your Honour would give the B.S.A. Company six months' notice to withdraw their rights." (3) With regard to the statement that Chief Khama in 1903 admitted he understood the position of the Company in respect of the Concession I do not dispute that after 1893 Chief Khama knew the Concession was held by the British South Africa Company, but I say the position was not clear when he signed the Concession.

As to the statement— "I shall not break the agreement, and they (*i.e.*) the Company, must not. I look to you to judge between us." It should be observed that this was in reply to the request "Please wire that you remember and understand the conditions," which appears in the telegram sent by the Assistant Commissioner, Francistown to Khama (July, 1903).

27

My reading of the above extracts is therefore that Chief Khama meant that the Company should work the Concession according to its terms and should not go into private areas such as Cattlepost areas which Khama specifically reserved to himself in certain clauses of the 1893 Agreement. The question of the terminabilty of the Concession had not been raised at the time of the Assistant Commissioner's telegram above referred to.

On Native Advisory Council and Mining Regulations.

I understand that both the questions of :—

(1) powers of the Chiefs in the Bechuanaland Protectorate,
(2) mining Regulations in the Bechuanaland Protectorate,

(2) would be discussed by the European and Native Advisory Councils; (1) by the Native Advisory Council; before the Government arrives at any decision on these. I would therefore beg to advise Your Lordship that :—

(*a*) neither myself nor any member of the Bamangwato Tribe is a member to this Council.

(*b*) the present Native Advisory Council in the Bechuanaland Protectorate cannot be regarded as a Representative Council of the people of the Protectorate, not even of these Tribes whose members attend it.

Very few people, if any, understand the procedure in this Council because the Council is not native but European Administration. Then again this Council sits only for a day or two in the year. I do not therefore personally see how the important questions such as the above could be discussed in a day or two.

I submit that questions such as these marking a red-letter date in the history of the Bechuanaland Protectorate should be discussed by the Resident Commissioner with the true Native Councils in their Kgotlas. Anybody who knows the Native Administration of the Bechuanaland Protectorate Tribes would agree with me that it is in these open Kgotlas where every man is free to attend and discuss, the true opinion of the people can be reached.

I do not suppose that all my statements would be accepted but an impartial examination and investigation of the above facts will bring to light the true situation in our countries, and prove without doubt that a Native Administrative Council on the model and standard of the European Administrative Council for these Protectorates is premature and does not serve any useful purpose either to the people or the Government.

Ratshosas.

I understand also that the Ratshosas have the right of access to Courts in the Bamangwato Country if they have civil actions against me and my people. But it would have been observed from my case during the first interview that my complaint against my Administration was to the effect that Raditladi Sekgoma, Mphoen Sekgoma and followers, Sekgoma Khama and followers, Phethu Mphoen, Leban Raditladi and followers had all been banished from the Bamangwato Country by the same orders of the Government such as these passed against the Ratshosas. To all of these people a special privilege had been granted by the Government that all the cases for and against them should be tried before they left the country. In the case of Raditladi and Mphoen the Government actually refused to allow these to institute further civil actions after they had got out of the boundaries of Khama's Country. None of these people ever came back again for any further civil action against those in the country. This has been the practice of the British Government as Protector of the Peace of the Native Protectorate.

But with regard to the Ratshosas, after the banishment orders were issued, I requested that similar privilege as that above stated should be given and we had weeks of trials of civil cases for and against the Ratshosas in 1926. In 1928 the Ratshosas applied to have further civil proceedings against me, I raised no objection but expressed to the Government the hope that it might be the last occasion allowed to the Ratshosas to re-enter the Bamangwato Country and therefore they might be told to bring all their cases on that occasion To this request I got the reply to the effect that the Government had no power by Law to prevent the Ratshosas re-entering the Bamangwato Country for the purpose of Civil actions against the Bamangwato, for such a step might be taken to be tantamount to depriving them of access to Law Courts; but the Government added that the Ratshosas would be asked to bring all their cases as they might find difficulty to re-enter the country again.

About the end of 1929 I was again given lists of further civil cases which the Ratshosas intend to institute against me and my people. This time I protested and explained to the Government that turmoil was inevitable. I then received the reply

that the Government could " not too strongly condemn threats of intention to resort to violence and that any breach of the peace by whosoever committed will be sternly dealt with," and while the Ratshosas would be allowed to enter the country again in spite of the possible result of the turmoil such as that for which they were taken out of the country, the Government " wished the Chief to understand quite clearly that he was held responsible for the maintenance of peace and order in the Reserve." *This above procedure entirely defeats the ends of banishment.*

I wish therefore to record in this letter that the Ratshosas were banished from my country because of a civil strife which had begun from their attempting to murder the Sovereign Head of that small and weak State.

It would appear I am advocating for myself, and I may not be in a position to say I am not; but nevertheless it is also my duty as a truster to the Sovereign Head of the Bamangwato Tribe and as a member of that Tribe to express on behalf of the people and myself what the feeling is in regard to the trouble in question. I beg to draw attention to the fact that we do not believe that the Ratshosas have given up their intention to bring to an end by murder the Sovereign Heads of the Bamangwato Nation. Whether they come into the country to meet me or I go out of it to meet them for the said civil cases, my life is continually in danger, and my people are very conscious of this fact. I also would mention that the Tribe's feeling in this strife is twofold—it is both murder as above explained, and degradation of the Bamangwato Chieftainship. To both of these dangers we are alive and our feelings are intensified by the fact that all these Ratshosas' actions did not precede but come after war—for civil war it was—and we are being rendered powerless to defend ourselves only because of the strictly legal reason of the case, which reason we must say we find difficult to understand, but the moral and true aspects of the situation are clear.

I beg therefore to draw attention to correspondence which took place between the High Commissioner for South Africa and the Colonial Office in the year 1887 dealing with the powers of the Chief in Khama's Country on a similar trouble between the Chief and subjects.

This will be found on page 7 and 8 and page 24 No. 9 of the Blue Book C-5237, further page 17 (Administrator to Khama, 29th April, 1887) of the same book, and to page 33 (Governor to Administrator, 28th July, 1887, paragraph 3) of the same book.

Further correspondence on the same trouble will be found on pages 28 to 29, No. 42, and pages 34 to 35, No. 50, of Blue Book C-7962.

I would therefore most humbly, most respectfully and most earnestly request that further consideration be given to these matters in the light of what I have stated above and I humbly ask to be favoured with a reply to this letter before I sail back for South Africa, which I propose to do on 25th April.

With many thanks for Your Lordship's patience in attending to my petition and your sympathetic reception of them and myself.

I remain, &c.,

TSHEKEDI KHAMA.

10141/58.

No. 36.

DOMINIONS OFFICE

to

TSHEKEDI KHAMA (Acting Chief of the Bamangwato Tribe)

My Friend, Downing Street, 22nd April, 1930.

The Secretary of State has now considered your letter of the 10th April* and desires me to reply as follows to the four points raised.

With regard to the first point, the British South Africa Company were given special rights defined by Proclamation in certain of the lands given up by the Bechuana Chiefs (including Khama) as a result of the negotiations with Mr. Chamberlain in 1895, and, in addition, the Government were advised that the British South Africa Company must be regarded as holding preferential rights in respect of the grant of any Concessions in the Crown lands in the Protectorate.

With regard to the second point, it is understood that you refer to a letter written by Sekgoma to the Resident Commissioner in April, 1923. No formal notice was, however, given by Sekgoma himself to the British South Africa Company of his desire to terminate the 1893 Concession, and as regards the question of notice by the Govern-

* No. 35.

28

ment on his behalf this matter was left in abeyance since, as explained to you by the Secretary of State at the interview on the 1st April, the position of the Government was that in view of the legal doubts which existed on the subject of the right to terminate the Concession, and the past history of the matter, it would be better to negotiate with the Company with a view to framing a new agreement to replace the 1893 Concession.

As regards the other two points, viz., the Native Advisory Council and Mining Regulations and the case of the Ratshosas, these are questions on which, as the Secretary of State informed you at the interview granted to you on the 1st April, you should consult the High Commissioner for South Africa, to whom a copy of your letter is being sent, on your return to South Africa.

The Secretary of State has read what you say as to the education of the Young Chief Seretse.

The Secretary of State notes that you propose to return to South Africa on 25th April. He wishes you a safe and pleasant journey.

I am, &c.,

S. ROBINSON.

10141/60.

No. 37.

TSHEKEDI KHAMA (Acting Chief of the Bamangwato Tribe)

to

LORD PASSFIELD (Dominions Office).

My Friend, Foreign Mission Club, 25th April, 1930.

On the departure of myself and party from this country I beg to thank you and your officers for the kindness extended to me during my stay in England. I much appreciate all the patience given to the matters of great importance to my tribe which I have tried to place before Your Lordship.

But there are several matters which have and continue to give me great concern during the past few years since I have been exercising the duties of the Chieftainship of the Bamangwato, which I feel compelled to mention to your Lordship before I return to South Africa, to continue my efforts with the High Commissioner in accordance with your express directions.

1. My tribe and myself are quite sensible of, and appreciate, the fact that if a Chief of the Bamangwato Nation does not serve his people faithfully and does not conform the laws of the British Government it is a clear duty of His Majesty's Government in its power to protect the interests of the Bamangwato Nation to interfere with the authority over his people of such Chief. But it appears that there is an entirely different attitude adopted by the Imperial Government to the Chieftainship of the Bamangwato Nation since the death of my father, Chief Khama.

2. It has officially been stated to me that it is the policy of the British Government that it should be the privilege of every man to live free and to work for himself or for others as he may choose, and so long as he obeys the laws of the land no one may interfere with him. This privilege the nations and the Chiefs of those Protectorates from which I come have enjoyed in the past. But in duty bound to my tribe, as a trustee in the Chieftainship of the Bamangwato, I feel that I should record in this letter that recent developments have caused me much unrest.

3. It has been justly stated to me on more than one occasion that it is my duty in all matters affecting the welfare of my nation to place complete reliance on the words of the officers whom His Majesty's Government has appointed to guard and guide me and my people, and I am agreeably prepared to undertake in future as hitherto so to do. We realise that His Majesty's Government does not only wish us to place complete reliance on these words but also requires us to understand them as well.

But may I respectfully draw attention to a certain fact pointed out by my great predecessors—the Chiefs Sebele, Khama, and Bathoen—that " we know that Her Officers sometimes make mistakes because they are not of our race and cannot think

our thoughts or understand our customs. But there is no Government which we can trust as we trust that of the Great Queen " (Blue Book C-7962, page 13, No. 22).

4. In connection with the mineral developments affecting my country, and perhaps even in other matters, the missionary has in the long past and up to the present time been allowed by His Majesty's Government to assist the Chiefs in their negotiations with the Government. I feel it my duty to be true to my Government and in this connection I have to respectfully but clearly state that my case was handicapped when Rev. A. E. Jennings was only at the last and fatal moment not allowed to assist me in my difficulties on behalf of my tribe.

In explanation of these matters I respectfully desire to draw Your Lordship's notice to the following statements in official communications which have occasioned the above misgivings: –

1.—(*a*) " His Excellency in reply, commending to Tshekedi, the examples of Khama and Sekgoma, confirmed Tshekedi in his position as Regent and Acting Chief during Chief Seretse's minority, so long as he served the tribe faithfully and conformed to the laws of the Protectorate." (Colonial Reports—Annual—No. 1379, Bechuanaland Protectorate 1926-27, page 6.)

(*b*) " His Excellency has placed you, as son of Khama and uncle of young Chief Seretse, in a position of responsibility and trust as Regent of the Bamangwato, and I am confident that on reflection you will realize that, so long as the High Commissioner maintains you in that position, &c." (Extract from reply given by Secretary of State to Chief Tshekedi, 1st April, 1930.*)

2.—(*c*) Correspondence from the Dominion Office addressed to Chief Tshekedi signed A. Edgcumbe, dated 28th† and 31st March,‡ 1930.

(*d*) The very great difficulty which I experienced in South Africa before the passports to come to England were given to me.

3.—(*e*) I have been accused by the Administration in South Africa for lack of confidence in His Majesty's Government because I could not see certain facts in the same light as His Majesty's Government's Officers in South Africa saw them.

(*f*) I have been accused by the Administration in South Africa for lack of confidence in His Majesty's Government Officers because I desired to be given certain correspondence in writing in order to keep records of the proceedings.

It is my desire and intention when conferring with His Excellency Lord Athlone on my return to South Africa, to place before him the above facts.

I beg, &c.,

TSHEKEDI KHAMA.

10141/60.

No. 38.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 177.)
(Confidential.)

Downing Street, 1st May, 1930.

My Lord,

With reference to my Confidential despatch No. 157 of the 22nd April,§ I have the honour to transmit to you, for your information, a copy of a letter‖ addressed to me by Tshekedi Khama, the Acting Chief of the Bamangwato Tribe, on his departure from this country on return to South Africa.

2. The Acting Chief had left before the letter was received and no acknowledgment has been sent.

I have, &c.,

PASSFIELD.

---

* No. 30. † No. 27. ‡ No. 29. § 10141/58: not printed. ‖ No. 37.

29

10141/69.

No. 39.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 19th May, 1930.)

(Bechuanaland Protectorate.)
(No. 246.)
(Confidential.)

High Commissioner's Office, Cape Town,
2nd May, 1930.

My Lord,

I have the honour to acknowledge the receipt of your despatch No. 143 of the 10th April* acquainting me with what transpired at your interviews with the Acting Chief Tshekedi.

2. I should like to commence my reply by expressing to Your Lordship my appreciation of the very helpful attitude which you took up on this difficult and delicate question and for the support which you gave to me and to my officials in your discussions with the Chief. Tshekedi is a young man of quite exceptional ability, courage and integrity, but although he honestly endeavours to emulate his great father he does not possess the old Chief's experience and sagacity and is apt to engage in tedious and sometimes irrelevant controversy with the Government and to presume on the forbearance of the authorities. Your Lordship's experience of him has fortunately been confined to two brief interviews, but I feel sure that it was long enough to convince you of the patience I have exercised in dealing with this young man who has occupied many consecutive hours and frequently whole days of my time both in Serowe and Cape Town during which I have been obliged to listen to him while he read numerous documents and quoted extensively from blue books with which I was already familiar. The lengthy reports of the meetings with which I have felt obliged to burden you are but brief summaries of a few of these " indabas," many of which I have not reported. When I recommended that you should receive him in London I felt that it was necessary to accord him access to the highest authority in order to convince him that my advice was disinterested, and that the methods adopted by former chiefs to maintain discipline amongst the tribesmen, which may have been practised in the days of Khama, can no longer be tolerated now that more effective administrative control has been established. As Your Lordship very pertinently informed the Parliamentary deputation the Government has not only to consider the wishes of the Chiefs but is frequently called upon to protect the tribes from their rulers. The mining question is a matter in which, after all, the Government is only acting in the capacity of referee between the Chief and the Company, but the references in your reply to the necessity for defining the powers of the Chiefs, defending the personal liberties of the Masarwa, and making clear to the Chief that every person with a grievance must be allowed access to the Courts should have shown the Chief that the Government is determined to protect the rights of individuals and will not hesitate to take steps to this end, overruling, if necessary, the opposition of their rulers. I have to thank you for the firmness you displayed in dealing with these questions which will greatly facilitate my efforts to ensure that substantial justice is administered in the native Courts. I propose to instruct the Resident Commissioner to make a tour of the Protectorate this winter in order that he may thoroughly acquaint himself with local conditions and upon his return frame proposals for regularizing the position and functions of native Courts as suggested in paragraph 6 of your despatch. In a sparsely populated country like the Protectorate where communication is difficult, distances great, and officials few and far between, the principal difficulty will be to provide reasonable facilities for appeal to the European Courts. But I am inclined to think that miscarriages of justice are most likely to occur in the larger " Stads " where the more important chiefs are engaged in upholding their authority over subordinates and recalcitrants. It should, however, be remembered that frequent appeal from native to European Courts may tend to undermine tribal discipline which is so essential to the maintenance of order amongst a primitive people living a communal life under feudal conditions. I accordingly propose to ask the Resident Commissioner to issue instructions that officials, especially those entrusted with judicial powers, should make a practice of attending the native Kgotlas when any serious cases are being tried or

* No. 34.

important tribal matters are being discussed. I anticipate that some magistrates, who have many demands on their time, may find some difficulty in attending these meetings where long and tedious discussions take place and time is of no object, but I feel that every effort should be made to use the presence of the magistrate to discourage harsh sentences, particularly as for some time to come natives fined or punished will be reluctant to appeal for fear of incurring the displeasure of the Chiefs. The Chiefs will not, I think, wish to object to the presence of a European official before whom they are accustomed to speak their mind and freely state their grievances. Tshekedi for example has frequently invited the magistrate to attend Kgotla and when the Kgotla is functioning as a Court it should, like European Courts, be open to the public. The presence of the magistrate on these occasions will of course involve the cessation of sentences of flogging unless and until they are confirmed by a European Court or judicial officer appointed to review native judgments. In the Bechuanaland Protectorate Masarwa and other Bushmen nomads suffer in health if subjected to confinement and as the majority of them possess no stock, a fine, which is the usual native punishment, can rarely be imposed. Moreover, in many places, suitable lock-ups are not available, with the result that corporal punishment is in a number of cases not only the only practical but often the most effective and merciful form of deterrent.

3. The attitude taken up by Tshekedi in London when this question was discussed will have made it clear to you that the Chiefs will strongly resist any attempt to define their powers by legal enactment, and I anticipate discontent amongst them and possibly some insubordination amongst unruly sections of their followers unless the changes are made very gradually. I will keep the Resident Commissioner informed of the steps being taken in Basutoland with a view to reforms being effected in the administration of justice in native Courts there, and though, except for the hostility of the Chiefs to any change, conditions are very different in the two Territories I have no doubt this information will be of some assistance in drafting the necessary legislation for the Protectorate. The copies of relevant laws operative in other African Colonies and Protectorates which have been furnished by the Dominions Office will also be very helpful in the consideration of this question.

4. I have little comment to make on the mining question other than to thank you for the helpful support you have given and for the information in paragraph 4 of your despatch under reply.

5. With regard to the matters referred to in paragraph 5 I have heard from the Resident Commissioner that the Chief has summoned the tribe to assemble at Serowe on 15th May. I am instructing the Resident Commissioner to be present on this occasion to ensure that the terms of your reply and particularly those passages which have some bearing on past abuses and the position of the Masarwa are communicated to the tribe. The Chief will no doubt explain the circumstances of the old concession, and the benefits which the Company has offered the tribe under the proposed new agreement, and invite them to indicate whether they would prefer to avail themselves of these positive advantages, or to endeavour to recover their mineral rights by legal action and prevent the inauguration of mining. My own view, however, is that the Government would not be justified in counselling the Chief to continue to receive £300 a year from the Company if he has no intention of carrying out the terms of the concession which, as you pointed out in your reply to Tshekedi, his father was prepared honourably to observe. In this connexion I notice that in his interviews at the Dominions Office the Acting Chief again suggested that the tribe might return to the British South Africa Company the rentals received in respect of the Concession provided it is surrendered. This proposal, if acceptable to the Company, would seem to offer the least risky solution of the problem. An objection to it is that it would necessitate further levies on the tribes, some of whom, notably the Makalakas, are in revolt against the compulsory levies made by Tshekedi to pay the expenses in connexion with his visit to London. It is doubtful whether the minerals in the Reserve are worth the sum involved, but if the Chief and his people are prepared to sacrifice the rentals as well as the benefits which would accrue under the new Concession I would not wish to object provided that any levy was made under Government supervision as was done in Swaziland. If they decided to accept the new concession, the stipulations providing for the tribe's share of the profits would, if accepted in principle, have to be carefully scrutinised by Sir Robert Kotze and Mr. Duncan to ensure that in practice they would gain for the tribe the financial benefits contemplated by the negotiators.

6. It may of course be possible to obtain still better terms from the Company, but in view of their assets and commitments in Northern Rhodesia I consider this extremely unlikely. I notice that the Chief has again suggested that the Government should compensate him for land which may be affected by mining operations. This

would be a matter of policy, but I do not see that the Government is under any obligation to do so unless the Company agreed to reimburse the Administration, and in any case I am reluctant to alienate land north of the Botletle River. I note that you will address me further regarding the terms of the draft Mining Law and that you have informed the Chief that it would not be issued until he has been consulted. It has always been my intention to invite his comments on its provisions and a copy of one of the earlier drafts was sent to him for this purpose about a year ago.

7. I was surprised to notice that the Chief professed that he did not previously understand that if the concession were legally terminated the Government would not afterwards compel him to allow mining in his reserve. It was explained to the Chief on more than one occasion that if Khama had not alienated the mineral rights in his reserve they could not be mined without the consent of the tribe given under a concession approved by the Secretary of State, and that the draft Mining Proclamation and the proposed new Concession both contained provisions for the reversion of the mineral rights to the Chief and his successors in title.

8. With regard to the Chief's distrust of the Government I regret to say that this has not been entirely nor indeed primarily due to mining. It began with the Masarwa question, continued over the quarantine camp and was most evident in regard to the Ratshosas. If the exercise of tact and patience could by themselves have effected a change it would be reasonable to expect that my personal efforts at Serowe and Cape Town and those of a long suffering Administration would have long ago been rewarded. I think the true explanation is to be found in the transition period through which the Protectorate is passing. Old semi-barbaric customs such as the burning out and "regimental" removal under rigorous and brutal conditions of tribes like the Mabirwa and the Tonoto Bakaruts'e; the wholesale banishment of recalcitrants; flogging in Kgotla; subservience of inferior peoples; and numerous similar abuses are being abolished now that more effective control can be exercised. These reforms, long overdue, have necessarily been made rather rapidly in recent years and after the Chiefs had come to believe that they were countenanced by the Government, and although the disposal of the mining question and particularly the firm language held to the Acting Chief in London will be of the greatest assistance to the Administration I fear it will be idle to expect harmonious relations to prevail until the many urgently needed reforms, which necessarily involve fundamental alterations in the old order and the diminution of the despotic powers of the Chiefs, have been carried out.

9. It would have been easy to have maintained the popularity of the Government by continuing the policy of *laissez faire*, but my experience of the Territories (in which I have spent considerably more time than any of my predecessors) has convinced me that radical changes should be introduced to promote the material welfare of the natives, to assure substantial justice and to eradicate abuses which might damage Great Britain's administrative reputation. I realise however that these changes will inevitably provoke criticisms from some Europeans and temporary dissatisfaction not only amongst the Chiefs but even amongst some of their followers who are suspicious of, or adversely affected by, necessary reforms. After years of continuous effort I have only now begun to effect appreciable improvements, but I am glad to recognise that the interests I have been able to derive from the work and the little I may have been able to achieve will console me when my term of office expires for any temporary criticism I may have incurred or which I may have to bequeath to my successor. In Basutoland particularly the Government is confronted with a very difficult task, but I am encouraged by the confidence which I have gained from the very real assistance you have given me on this occasion.

I have, &c.,
ATHLONE
(High Commissioner).

10141/62.

No. 40.

DOMINIONS OFFICE
to
IMPERIAL INSTITUTE.

[*Answered by No.* 48.]

SIR, Downing Street, 10th June, 1930.

I AM directed by Lord Passfield to transmit to you, for your consideration, the accompanying draft of a Mining Proclamation* for the Bechuanaland Protectorate

* Not printed.

which has been prepared by the High Commissioner for South Africa in discussion and certain of the Directors of the British South Africa Company and with the assistance of his legal adviser and of a mining expert in South Africa—Sir Robert Kotze.

2. As will be seen from the enclosed memorandum submitted by the British South Africa Company in 1925,* the Company are in a special position in the Protectorate as, in addition to certain mining concessions from native chiefs which they already hold, they have preferential rights in respect of any concessions that may be granted either in the Native Reserves or in Crown Lands.

3. The Company have for some time pressed that a mining law should be issued which would enable them to give effect to their rights and the general lines which might be followed in the preparation of such a law were agreed upon provisionally in discussion with the Directors in London in 1926. It was then contemplated that the Northern Rhodesia mining law should be taken as a model and the technical and administrative provisions of the draft Proclamation, *e.g.*, Sections 18-22 and 24, 47-55, and Parts VIII and IX, are consequently to a large extent copied from the Northern Rhodesia Mining Ordinance of 1912.

4. In view of the fact that the Imperial Institute Legal Committee have recently been under consideration the question of the Northern Rhodesia Legislation on the subject, the Secretary of State would be glad if that Committee could examine the draft Proclamation and furnish him with any observations on it which they may wish to make. He would be glad at the same time to have advice on the following questions:—

(1) Whether the provisions in the draft Proclamation afford sufficient protection to the inhabitants of villages and to the owners of surface rights and provide adequate safeguards for preventing the deterioration of land necessary for grazing and for the cultivation of food.

(2) Whether the provisions in the draft Proclamation are sufficient to deal with the question of lands which may be exploited in a manner calculated permanently to reduce their value.

I am, &c.,
H. N. TAIT.

10141/72.

No. 41.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 10th June, 1930.)

(Bechuanaland Protectorate.)
(No. 277.)
(Confidential.)

My Lord, High Commissioner's Office, Cape Town, 23rd May, 1930.

I have the honour to acknowledge the receipt of your Lordship's Confidential despatches as noted in the margin† on the subject of the recent visit to England of the Acting Chief Tshekedi Khama and with reference to the affairs of the Bamangwato.

2. I communicated with the Acting Resident Commissioner in the sense indicated in paragraph 5 of my despatch No. 246 of the 2nd May.‡ He has represented to me that if he or the Magistrate were to attend at the Chief's Kgotla meeting on this occasion without being invited to do so his presence might be misunderstood and might accentuate the feeling of distrust which has been proving an impediment to the work of the Administration. Colonel Rey agrees that it is important to ensure that the tribe is fully informed as to what took place during Tshekedi's visit to England, and that the full text of your Lordship's answer to the Acting Chief's representations should be read in Kgotla, and he proposes to take steps to ascertain whether or not this has been done. Should it be found that Tshekedi has not carried out his task fully, Colonel Rey would make such arrangements as will enable him to complete what has been left undone when he visits the Northern Protectorate next month. In the meanwhile

* No. 43 in Dominions (South Africa) No. 2.
† 10141/58: not printed; 10141/13: not printed, and No. 38.
‡ No. 39.

31

Captain Nettelton will avail himself of a suitable opportunity of impressing on the Chief the importance of imparting the full text to his people. I have informed the Acting Resident Commissioner that I am prepared, in the circumstances which he has explained, to accept his view, but that I consider that the general principle that the Magistrate should attend the Kgotla when serious cases are being tried or important tribal matters discussed should be gradually developed, and that it might be left to Captain Nettelton to explain to the Chief, when a convenient opportunity occurs, that the Magistrate should be advised when important Kgotla meetings are about to take place.

3. With reference to Tshekedi's letter of the 10th April,* of which a copy was enclosed with your despatch No. 154 of the 16th April,† and his observations under the head "Mining Question," I would observe that when a revision of the Khama concession was being discussed with representatives of the British South Africa Company, it was claimed that the Company's mineral rights under the Agreement of 1893 extended over a larger area than is included within the present boundaries of the Bamangwato Reserve. In answer it was pointed out that, although there might have been some justification for this claim, no one could now define the limits of the territory over which the late Chief Khama may formerly have exercised vague hunting rights or into which upon occasion the Bamangwato, or other tribes who "Konza'd" to Khama, at one time conducted filibustering expeditions for the purpose of capturing nomad slaves or cattle. It was thereupon agreed that, as it would be difficult if not impossible to define what was actually "Khama's country," in the draft of the proposed new Agreement the term "Bamangwato Reserve," the boundaries of which were fixed, should be substituted. Apart however from this aspect of the matter, the Company (as is pointed out in the reply of the 22nd April‡ which was sent to Tshekedi by your Lordship's directions) have been given special rights defined by Proclamation in certain of the land given up by the Bechuana Chiefs (including Khama), and in addition are regarded as holding preferential rights in respect of the grant of any concessions in the Crown lands.

4. Tshekedi arrived at Cape Town on the 12th instant, and he called upon the Acting Imperial Secretary on the following day, and addressed to him two letters of which copies are enclosed herewith. In response to Tshekedi's request I agreed to grant him an interview before he returned to the Protectorate, and I received him and his followers at Government House on the 19th instant. Mr. Eales was present at the interview. The Chief handed to me a letter, of which I attach a copy, requesting me to approach the British South Africa Company with a view to obtaining the cancellation of the Mineral Concession of 1893 by agreement with the Company. A record of what took place at the interview and my answer to the Acting Chief's representations are contained in the accompanying copy of a letter which I addressed to him on the following day.

5. Tshekedi's present proposal is in accordance with a suggestion which he made at his interview with you at the Dominions Office on the 27th March and upon which I commented in the fifth paragraph of my Confidential despatch No. 246 of the 2nd May.§ Your Lordship will observe that I have promised him that his proposal will be placed before the Company for their consideration, and that he would be advised as to their reply in due course. But I pointed out to him that some time must necessarily elapse before an answer could be expected, and that in the meanwhile it would be necessary to consider whether it will be practicable for effect to be given to his suggestions in the event of the Company being willing to negotiate a settlement on the lines indicated in his letter. I told him that he should discuss his proposal with the Acting Resident Commissioner as detailed information would be required on certain points, particularly in regard to the provision of the requisite funds, and that he should also inform his people of the proposal which he has now submitted to me.

6. Tshekedi left Cape Town en route to the Protectorate on the 21st instant. Before leaving he called on Mr. Eales to say good-bye. He said that he had received my letter, and although he did not discuss its contents, he has arranged to break his journey at Mafeking for the purpose of paying his respects to Colonel Rey, with whom he will doubtless discuss various matters connected with the affairs of the tribe.

7. If your Lordship sees no objection, I shall be obliged if the contents of Tshekedi's letter of the 19th May‖ may be communicated to the British South Africa Company, who might be asked whether they would be prepared to negotiate with a view to the termination of the Agreement of 1893 on the basis suggested by the Acting

* No. 35. † 10141/58: not printed. ‡ No. 36. § No. 39. ‖ Enclosure 3.

Chief. As Sir Drummond Chaplin is at present on his way to England, where he is due to arrive on the 26th instant, I have not caused any communication on this subject to be addressed to the local office of the Company.

I have, &c.,
ATHLONE
(High Commissioner).

Enclosure 1 in No. 41.

MY FRIEND, Cape Town, 13th May, 1930.

I BEG to advise you that myself and party have returned safely from our trip to England. I desire that you will give my respectful greetings to His Excellency the High Commissioner and request an early appointment with His Excellency to discuss the subjects I was advised by the Secretary of State to settle with His Excellency upon my return

I earnestly desire to conclude these matters before returning to Serowe.

With greetings,
Your friend,
TSHEKEDI KHAMA.

To the Assistant Imperial Secretary,
High Commissioner's Office,
Cape Town.

Enclosure 2 in No. 41.

Kgotla Ea Kgosi,
Gamanwato.

MY FRIEND, 72, Keerom Street, Cape Town, 13th May, 1930.

WITH reference to our interview of this morning, the only question which has to be definitely disposed of before I return to Serowe to report to my tribe is the cancellation of the existing mining concession, and on this point I request His Excellency's immediate assistance.

The Secretary of State has stated definitely that if this concession is to be cancelled, it must be effected either by agreement or with the aid of the Courts.

It is desirable that cancellation should be effected by agreement, and this can best be achieved by His Excellency's good offices. I definitely requested the Secretary of State to take such steps, and he referred me to His Excellency.

I view this as a very urgent matter, and I would like this settled before I leave for Serowe, and if His Excellency is prepared to render this service to me and my tribe, the suggestion I would put forward (as I have done already to the Secretary of State) is that the existing concession be cancelled upon repayment of rent less the value of any minerals already won, and that the Company be given a preferential right in respect of the grant of any future concession at such time as the tribe may be willing to develop its mineral resources and on such terms as may be mutually agreed upon.

With regard to the other matters which have been discussed with the Secretary of State and referred to His Excellency—all these matters are not of such a pressing nature as to require His Excellency's immediate attention as I have been informed by the Secretary of State that the mining proclamation will not be issued until I have been consulted.

With Greetings,
Your Friend,
TSHEKEDI KHAMA.

The Assistant Imperial Secretary,
High Commissioner's Office,
Cape Town.

Enclosure 3 in No. 41.

Kgotla Ea Kgosi,
Gamanwato.

YOUR EXCELLENCY, 72, Keerom Street, Cape Town, 19th May, 1930.

I HAVE been instructed by my tribe to request Your Excellency's assistance in negotiating the cancellation of the 1893 Concession signed by my late father, Chief Khama to the British South Africa Company.

32

I wish Your Excellency on our behalf to inform the Company of my determination to terminate this Agreement, and in order to adjust matters amicably I authorize Your Excellency to state that we are prepared:—

(*a*) to repay all monies heretofore paid as and for rent in terms of the concession less the value of any minerals won by the Company or their nominees; and

(*b*) to give the British South Africa Company the first option to mine and win any minerals at such time as the tribe may be willing to develop its mineral resources on such terms as may then be mutually agreed upon.

I beg, &c.,
TSHEKEDI KHAMA.

To His Excellency the High Commissioner,
Government House,
Cape Town.

Enclosure 4 in No. 41.

MY FRIEND, Government House, Cape Town, 20th May, 1930.

IN accordance with my promise yesterday I write this letter to record what took place at the interview which I granted to you, and to convey to you my reply to your representations as set forth in the letter of the 19th May which you handed to me on the subject of the mineral rights of the British South Africa Company.

At the beginning of the interview I told you that I had received from the Secretary of State a full report of his interviews with you, and that Lord Passfield had also forwarded to me a copy of your correspondence with him, including the letter which you sent to him after your interviews in London as well as his reply to your letter. I said that when forwarding these documents the Secretary of State had informed me that his advice to you with regard to the mining question was that you should return to the Bechuanaland Protectorate and convey to your tribe the answer which Lord Passfield gave to you, and that after doing so, you should advise me of your decision in regard to the proposed new concession to the British South Africa Company. I said also that, although you only returned last week and had not therefore yet had an opportunity of carrying out the Secretary of State's wish that you should convey his answer to your people, I was pleased to grant your request for an interview before you leave Cape Town, more especially as my engagements might not permit of another opportunity for me to see you, at any rate for some time to come. I then invited you to tell me what you wished to say with reference to the question of mining. You then spoke in the following sense:

You opened your remarks by expressing thanks for the assistance given in respect of your trip to England, particularly with reference to customs. You said that you wished to speak to me on the mining question, although you had spoken about it to the Secretary of State. You said that the Secretary of State had told you that it was advisable that you should consult your people before you approached me further in the matter, but that although you could go to your people you did not think that anything useful would come of it, since you knew what their attitude would be. You added, with regard to the other matters raised with the Secretary of State when you were in England, that you did not wish at the moment to discuss them with me, and that even on the mining question you had not very much to say. You then referred to the letter which you wrote to the Secretary of State on the 10th of April, and to the reply which by Lord Passfield's direction was sent to you from the Dominions Office on the 22nd of April, and you quoted the following words from the latter document, viz.:—

> "The British South Africa Company were given special rights defined by Proclamation in certain of the lands given up by the Bechuana Chiefs (including Khama) as a result of the negotiations with Mr. Chamberlain in 1895, and, in addition, the Government were advised that the British South Africa Company must be regarded as holding preferential rights in respect of the grant of any Concessions in the Crown lands in the Protectorate."

You said that you believed that you had traced the Proclamation referred to, and that having taken note of that point you had been advised to come and consult me

with regard to further discussion of the mining question and to put before me on behalf of your tribe your views, which you said were expressed in the letter which you handed to me. You added that you had nothing further to say.

I then spoke to you as follows:—

I said that I had heard your words, that I would consider carefully what you had said and also the letter which you had given to me, and that I would send you my answer in a letter as soon as possible. I told you that I was sorry that pressure of business would not enable me to see you here again in order to give you my answer in person, but that it would probably be convenient to you to have a written reply.

I said that I did not know whether you had arranged the date of your return to Serowe, but that as Lord Passfield informed you in London, it was inadvisable that your return to the Protectorate should be long delayed; that I appreciated and understood your desire to bring to a conclusion as soon as possible the outstanding questions relating to mining; and that I too was anxious that this matter should be settled without undue delay. But I pointed out that in any case it could not be settled immediately, and said that as there were a number of tribal matters which needed your early attention, I considered that you should return to Serowe in the course of the next few days.

You then expressed to me your thanks for what I had said, and informed me that you had listened very carefully to my advice that a Chief should not remain outside his country unless it was necessary. You said that you realized that a Chief should not spend his time upon matters outside the interests of his tribe; that you would not remain here longer than you could help; and that you would leave for the Protectorate as soon as possible. I inquired whether you expected to be able to return to Serowe some time this week, and you replied in the affirmative.

I am prepared to give consideration to the proposal, as set forth in your letter, which you desire should be made to the British South Africa Company in respect of their Mineral Concession. In accordance with the wish expressed by you I will cause your proposal to be communicated to the Company for their consideration, and you will be advised as to their reply in due course. You will appreciate that some time must necessarily elapse before an answer can be sent to you since the Directors of the Company will have to be consulted. In the meanwhile it will be necessary to consider whether it will be practicable for effect to be given to your suggestions in the event of the Company being willing to negotiate a settlement on the lines indicated in your letter. I shall be glad, therefore, if you will discuss your proposal with the Resident Commissioner on your return to the Protectorate and furnish him with detailed information on certain points. For example, it will be necessary to know what will be the precise sum of money that would have to be paid to the Company, whether, and if so from what sources, the requisite funds can be made available forthwith, and if not, whether and by what means the money can be provided without imposing any undue burden on the tribe. Information on these points must be obtained before the suggested arrangement can be further examined, and as I have indicated above I consider that the best course would be for you to discuss the matter fully with the Resident Commissioner. I consider also that when communicating to the tribe the reply made to you by the Secretary of State you should inform them of the proposal which you have now submitted to me. When all the requisite particulars have been obtained, and if the Company should return a favourable answer to your proposal, the matter can then be finally decided in accordance with the best interests of the Bamangwato tribe.

In conclusion, I should add that, as you remarked at the interview yesterday, there are a number of other matters which were mentioned at your interviews with the Secretary of State and which will require attention, and that I am asking the Resident Commissioner to discuss these questions with you as soon as circumstances permit of such discussions taking place. As you know, Colonel Rey has now taken over the duties of Resident Commissioner in the place of Colonel Daniel, who is about to retire, and I am confident that you will find in him a sincere friend who will always be ready to advise and help you and your people.

I am, &c.,
ATHLONE
(High Commissioner).

The Acting Chief
Tshekedi Khama.

33

10141/62.

No. 42.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 243.)

My Lord, Downing Street, 10th June, 1930.

With reference to your despatch No. 217 of the 11th April* and previous correspondence regarding the draft Bechuanaland Protectorate Mining Law, I have the honour to inform you that in view of the fact that the revision of the Northern Rhodesia Mining Legislation, on which the draft was modelled, has recently been under the consideration of the Imperial Institute, it seemed to me desirable to refer the draft Proclamation to the Institute for advice. A copy of a letter which has been sent to the Director of the Institute† in the matter is enclosed.

2. It is presumed that the regulations which the High Commissioner is empowered to issue under Clause 110 (1), in addition to including provisions relating to health, sanitation and the safety and housing of native labourers, would also deal so far as is necessary with such points as the accommodation of women, the control of intoxicants, &c. I should be glad if you would cause the question of preparation of such regulations to be considered: the draft regulations when prepared should be submitted for my approval.

3. I note from your telegram No. 5 of the 10th January‡ that it is proposed to deal with the question of workmen's compensation in separate legislation. I should be glad to see the draft of the proposed Proclamation when it has been prepared.

I have, &c.,
PASSFIELD.

10141/71.

No. 43.

BRITISH SOUTH AFRICA COMPANY

to

DOMINIONS OFFICE.

[*Answered by No. 45.*]

Rhodesia House, 2, London Wall Buildings,
London, E.C.2, 11th June, 1930.

Sir,

I am instructed to refer to the latest draft of the Bechuanaland Protectorate Mining Proclamation which my Directors have seen—that is to say the draft in the form in which it was discussed by Sir Drummond Chaplin and Mr. D. O. Malcolm with the Imperial Secretary at Cape Town in March last, and am directed to submit the views of my Board on the following points for your consideration.

Section 2 (*l*) (*i.*) (*b*). Exclusion of oil and oil shales from the definition of the term "Minerals." It is suggested that oil and oil shales should not be excluded from the definition of the term "Minerals," but that provision should be made elsewhere in the Proclamation to the effect that the Proclamation does not apply to the working of oil and oil shales.

Section 4. Registration of Mining Concessions. This section as drafted makes no provision for the registration of a Concession issued after the date of the commencement of the Proclamation. If, for instance, a new concession were granted to the Lanchwe Company to enable that Company to exchange its present area of 100 square miles in the Bakhatla Reserve for another area of similar size, such concession, to be effective, would have to be registered in terms of the Proclamation. This section would seem to require to be amended to make provision for the registration of any Concession which may be issued after the date of the commencement of the Proclamation.

Section 19 (8). The word "claims" should be substituted for the word "location" in the sixth line of this sub-section. The latter word is not used elsewhere in the draft Proclamation.

---

* 10141/62: not printed. † No. 40. ‡ No. 2.

Section 25. As the Mining Commissioner has no power to cancel licences under this section as it is now drafted it is suggested that the words " cancellation or " should be deleted from line 2 of Sub-section (4), and that the words " and cancellation " should be omitted from the marginal note.

Section 31. Rental. The amount of the annual rental to be paid by the holder of a mineral concession is stated to be two shillings per square mile of the area. This is presumed to be an error in drafting as in May, 1929, it was agreed in discussion between Sir Drummond Chaplin and the Imperial Secretary that the amount of the annual rental should be fixed at *one* shilling per square mile. Further, as claim licences may become payable not by the holder of a mineral concession himself but by an assignee, I am to suggest that the words " by him or his assignee " should be inserted after the word " payable " in the fifth line of this Section.

Section 32. If the rights of selection and pegging under either of the three Concessions cited in this section are exhausted prior to the expiration of a period of five years from the date of the application of the Proclamation it would appear to be unreasonable that the holder of such concession should be called upon to continue to pay an annual rental in respect of the whole area of the concession. It is suggested that as soon as the " Special Areas " have been selected and pegged out the rent should be payable only in respect of such " Special Areas."

In the case of the Bakhatla Reserve the Linchwe Company has already exhausted its rights of selection under the original concession and the inclusion of the Bakhatla Reserve under the provisions of Section 32 therefore appears to be irrelevant.

Section 33. As this section is now drafted the approval of the High Commissioner is required before the transfer of any mineral rights can be effected. In this instance the term " mineral right " is understood to be synonymous with the term " mining right " *vide* Section 2 (I) (*o*), and to embrace all mining claims which may be established under any concession and in accordance with the provisions of the Proclamation. If it is the intention that the transfer of all registered mining claims shall be subject to the approval of the High Commissioner it is respectfully submitted that such a stipulation will affect the value of the claims and might, for instance, make it difficult for a mining company which had acquired them to issue debentures upon them. Possibly it is not intended that the term " mineral right " in the present instance shall include registered mining claims; but in that case it is suggested that the wording of Sub-section (I) of Section 33 should be made more precise.

Section 35, *Sub-section* (2). As the Proclamations cited in this sub-section have been amended by later Proclamations a *note* " (as amended by any subsequent Proclamations relating thereto) " should be inserted as has been done in Sub-section (*g*) of Section 2 (I).

Section 46. This Section as drafted might be read as meaning that the Resident Commissioner may impose a rental upon a claim holder for the use of the surface of claims located within a native reserve. Probably this is not intended, as under Sub-section (a) of Section 45 every claim holder has the right, subject to Section 10 and and to any existing rights, to the use of all the surface within the boundaries of his claims without payment of rent. It is suggested that it should be made clear that Section 46 does not apply to the surface of claims.

Section 47, *Sub-section* (2). The word " claims " has been omitted at the end of this sub-section.

Sections 48 *and* 49. The earlier draft of this section (formerly Section 45) provided that the pegger of a site should apply for registration of his claims within a for the period of 31 days but consequential changes have not been made in Section 49, period of 31 days. The present draft substitutes the words " as soon as possible " for the period of 31 days but consequential changes have not been made in Section 49. It is suggested that either Sub-section (I) of Section 48 should be amended to read " any pegger of a site shall as soon after pegging as is reasonably possible and in any case within a period of 31 days apply to the Mining Commissioner, &c." or that the references to the period of 31 days should be omitted from Section 49. The words " post notices and " should also be omitted from the marginal note against Section 48 as the provision for the posting of a notice has been removed.

Section 79. The words " or Special Grant " in the ninth line should be omitted as this term has been deleted elsewhere throughout the draft Proclamation.

I am, &c.,
PERCY J. BAIRD,
Secretary.

10141/73.

No. 44.

DESPATCH
from
HIGH COMMISSIONER, SOUTH AFRICA.
(Received 16th June, 1930.)

(Bechuanaland Protectorate.)
(Confidential.)
(No. 286.)

High Commissioner's Office,
Cape Town, 30th May, 1930.

My Lord,

With reference to my Confidential despatch No. 277 of the 23rd May* regarding the affairs of the Bamangwato tribe, I have the honour to transmit herewith a copy of a despatch from the Acting Resident Commissioner at Mafeking, reporting the result of a conversation with the Acting Chief Tshekedi Khama on his return from England.

2. Your Lordship will observe that Tshekedi has asked that a statement may be obtained from the British South Africa Company of the amounts which they have paid in respect of the Mining Concession and I suggest that the Company might be asked to furnish this information.

I have, &c.,
ATHLONE
(High Commissioner).

Enclosure in No. 44.

(No. 382/6.)

Resident Commissioner's Office,
Mafeking, 27th May, 1930.

My Lord,

I have the honour to inform you that Chief Tshekedi arrived in Mafeking on Friday morning, and was accommodated in a camp which had been pitched on the Imperial Reserve in accordance with his own desire.

He called on me at 10 a.m., accompanied by five of his headmen, and after the usual greetings discussions proceeded until 4.30 p.m., with an interval for lunch.

A report of the interview is attached: I may, however, offer the following observations thereon.

The Chief's attitude, and that of his followers, was at first characterized by suspicion and extreme reticence: he stated that he was not prepared to discuss anything until he had been to Serowe and met the Resident Magistrate and his people, with the exception of certain of the points mentioned in Your Excellency's letter to him of the 20th May, and even as regards these (*i.e.*, the amount to be paid to the British South Africa Company and the method of raising this sum), he suggested that if the Government wanted to say anything on the matter they had better come and say it at his Kgotla. I was of course extremely careful not to appear to wish to take him at a disadvantage by discussing at this stage matters on which he might not be fully informed owing to his absence; but I pointed out to him the desirability in his own interest of giving the information which Your Excellency had explained to him was an essential preliminary to any study of the proposal which he had asked Your Excellency to transmit to the British South Africa Company.

I am glad to be able to say that the afternoon meeting passed off much more harmoniously, and I was successful in establishing more cordial relations and in obtaining from the Chief a good deal of helpful information.

As Your Excellency will observe from the record of the interview Tshekedi thinks that the total amount paid by the Company in respect of the Concession is less than £4,000. If this is correct, and if the levy of cattle made by the Chief before his departure for England is, as he seems to think, sufficient to cover the difference between the unspent balance of this money and the total sum payable to the Company on the surrender of the Concession, then it is obvious that no further burden will be placed on the Tribe in the event of the Company accepting the Chief's latest offer made through Your Excellency.

---

* No. 41.

Tshekedi asked me if I would obtain from the Company a statement as to the amounts which they claimed to have paid in respect of the Concession, and this I promised to do. I should accordingly be grateful if Your Excellency would cause me to be furnished with this information.

I have, &c.,
C. F. Rey
(Acting Resident Commissioner).

His Excellency
The High Commissioner,
Cape Town.

Note of Interview with Chief Tshekedi, Friday, 23rd May, 1930.

With the Assistant Resident Commissioner and the Government Secretary, I saw Chief Tshekedi this morning; he was accompanied by the following:—

Baipidi Motsholakgetsi.
R. G. Kgamane.
Kriditse Gwatlhe.
D. T. Matboame.
H. Motshwaedi.

He opened with the usual greetings, to which I replied. I then told him that I had received from the High Commissioner the reports of the various interviews which he had had with the Secretary of State and the High Commissioner, together with copy of the correspondence that had passed. I told him that I had been informed by the High Commissioner that there were various matters which were to be discussed between the Chief and myself, and said that I was now ready to do so.

The Chief said that he was not ready to discuss all these matters and asked permission to go to Serowe first of all to see the Magistrate about certain matters before discussing them with me. He said, however, that there was one point which he could discuss and that was the question of the financial arrangements to be made in connection with the termination of the Mining Concession referred to on page 7 of the High Commissioner's letter to the Chief of the 20th May.

I accordingly asked him if he would give me the necessary information on which discussion of his proposal could proceed, namely, the total amount of money paid over by the Company in respect of the Concession, the total amount of money remaining available from these sums, and flowing from this, the amount which would have to be raised from the Tribe to meet the deficit.

A lengthy discussion followed, as a result of which the Chief said that he would ascertain from the Bank the amount paid in and the amount available and would return this afternoon to let me know. As regards the question of the method in which the balance was to be met, the Chief said that he would prefer that the matter should be dealt with at his Kgotla in the presence of the Government.

I explained to the Chief that the Government were vitally interested in the question of the amount to be raised and the method of raising it, as they were responsible for seeing that no undue burden was placed on the shoulders of the people. In this connection I drew attention to the Resident Magistrate's letter of November last to the Chief, conveying an intimation of the High Commissioner's views on the subject of compulsory levies. I further drew attention to the passage in the High Commissioner's letter to the Chief of the 20th May, in which it was pointed out that all the requisite particulars on this point had to be obtained before the matter could be finally decided, and that it would have to be decided in accordance with the interests of the Tribe.

Inasmuch as the Chief was not in a position to discuss other matters mentioned in the High Commissioner's letter and in other relevant despatches, I did not bring these forward, especially as the Chief said that he would come back to Mafeking to discuss these with me after he had seen the Magistrate.

In view of certain remarks made by the Chief in the course of the discussion, it was not clear to me that he contemplated action on the lines indicated in the Secretary of State's reply to him in London, namely:—

> "You should personally communicate my answer to the Bamangwato immediately on your return to South Africa, and you will then be in a position to consult them fully in regard to the proposed new agreement with the British South Africa Company before you notify your decision in the matter to the High Commissioner."

As the result of some considerable discussion on this point, I elicited from the Chief a statement that he proposed to tell them all that he had said to the Secretary of State and to the High Commissioner, and what each of these had said to him; that nothing would be done secretly; and that all would have an opportunity of expressing their views, and that the matter would thereafter be decided.

At the end of the discussion, I impressed on the Chief the necessity for reporting fully to the Kgotla Lord Passfield's replies on each and all of the five questions submitted to him by the Chief, namely:—

(1) The Mining Concession;
(2) Question of incorporation of the Protectorate in the Union;
(3) Powers and jurisdiction of the chiefs and native courts;
(4) Question of the Brothers Ratshosa; and
(5) The position of the Masarwa.

In conclusion I told the Chief that it had been said that there was lack of confidence between the Administration and the Chief, that there was not that close working between the two which there should be. I expressed no views as to the correctness of these statements, or, if they were correct, as to where the fault might lie or as to any possible shortcomings on either side. I desired, however, to put an end to any justification for an idea of this kind and to work closely and sympathetically with the Chief for his benefit and that of his people. I wished him to realise that the Government was his best friend, that they had no interests and could have no interests apart from the welfare of the Protectorate and its inhabitants; that I would always be prepared to deal definitely and promptly with matters concerning them, and that I wished to be his friend. I advised him to listen to the Government who has no interests to serve except those of the people, and not to listen to outside councillors who might have interests of their own to serve. The Chief replied, thanking me for my words, which he said he was glad to hear, saying that he did not know whether the Government had grievances against him, but that he had grievances against the Government which he would continue to bring before them, and that he showed his belief in the Government by bringing his grievances to them rather than by taking them to the courts of which neither he nor his Father, Khama, knew anything.

The discussion was then adjourned for luncheon.

A further discussion took place afterwards. The Chief stated that it was not clear from what date the payments made by the Chartered Company had commenced. If they had paid the full amount due from the date of the signing of the Concession in 1893 it would have amounted to £11,100. On the other hand, the Chief read certain correspondence which seemed to indicate that payments could not have commenced prior to 1903. Had they been made from then, the amount would be £8,100. Further correspondence which the Chief produced, however, lent colour to the supposition that payments had not in fact commenced prior to 1917, in which case the total amount would have been 3,900.

The Bank, whom he had consulted since meeting me, could not give him the exact figures then and there, but were going to extract them and send them to him. Tshekedi showed me a bank statement of Khama's Mineral Concession Account, showing a series of payments from 1917 onwards. He further stated, after some discussion, that the cattle which had been levied prior to his departure for England (which levy had been the subject of correspondence) was partly for the purposes of repaying any difference between the total amounts received from the Chartered Company and the balance now on hand.

The Chief asked me if I would obtain from the Chartered Company a statement from their side as to the amount paid by them in respect of the Concession, and this I promised to do.

As regards the various other points to be discussed, the Chief, not unnaturally, wished to see the Magistrate and his people before discussing them with me, and to this I agreed. I told him there were a number of points which, on my side, I wished to discuss with him, but said that I would leave these over until he had had time to look into matters in Serowe, for which he thanked me.

I asked him whether there was any further point which he wished to raise now, and he said that there was one. He said that he was not very clear as to what had happened in regard to the Mswazi affair and asked me whether I would tell him the facts. I explained to him exactly what had happened and the action which I had felt it necessary to take. He thanked me for this and for the action which I had taken in the matter, which seemed to satisfy him. The meeting terminated on a most amicable note.

I may add in conclusion that in accordance with the telegram received from the Acting Imperial Secretary, I accommodated Chief Tshekedi and his followers in tents at the Camp. After our meeting this afternoon, I went round to see him at his quarters, and found that everything was in order and that he was quite satisfied with the accommodation provided.

10141/71.

No. 45.

DOMINIONS OFFICE

to

BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, 2nd July, 1930.

I AM directed by Mr. Secretary Thomas to acknowledge the receipt of your letter of the 11th June* in which are submitted the views of your Board on the draft of the Bechuanaland Protectorate Mining Proclamation in the form in which it was discussed by Sir Drummond Chaplin and Mr. D. O. Malcolm with the Imperial Secretary at Cape Town in March last.

2. The points raised in your letter are receiving careful consideration.

I am, &c.,
E. G. MACHTIG.

10141/71.

No. 46.

DOMINIONS OFFICE

to

IMPERIAL INSTITUTE.

[*Answered by No. 48.*]

SIR, Downing Street, 2nd July, 1930.

IN continuation of the letter from this Department of the 10th June† transmitting, for your consideration, the draft of a Mining Proclamation for the Bechuanaland Protectorate, I am directed by Mr. Secretary Thomas to enclose a copy of a letter* from the British South Africa Company submitting the views of the Company on the draft Proclamation in the form in which it was discussed by Sir Drummond Chaplin and Mr. D. O. Malcolm with the Imperial Secretary at Cape Town in March last.

Some of the points raised in the letter are, evidently, for local consideration but others would appear to have a more general bearing, and the Secretary of State would be obliged, therefore, if the Imperial Institute Legal Committee would take the letter into consideration when examining the draft Proclamation and offer any comments upon its contents that they might wish to make.

I am, &c.,
E. G. MACHTIG.

10141/71.

No. 47.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 273.)

MY LORD, Downing Street, 2nd July, 1930.

WITH reference to my despatch No. 243 of the 10th June‡ on the subject of the draft Bechuanaland Protectorate Mining Proclamation, I have the honour to transmit to you the accompanying copy of correspondence§ with the British South

* No. 43. † No. 40. ‡ No. 42. § Nos. 43, 45, and 46

Africa Company and the Imperial Institute regarding the views of the Board of the British South Africa Company on the draft Proclamation in the form in which it was discussed by Sir Drummond Chaplin and Mr. D. O. Malcolm with the Imperial Secretary at Cape Town in March last.

2. A further despatch will be sent to you when a reply is received from the Imperial Institute.

I have, &c.,
J. H. THOMAS.

10141/80.

No. 48.

IMPERIAL INSTITUTE

to

DOMINIONS OFFICE.

SIR, Imperial Institute, London, S.W.7, 30th July, 1930.

WITH further reference to your letters of the 10th June* and of the 2nd July,† I have to say that the draft Mining Proclamation for the Bechuanaland Protectorate, and the copy of a letter you enclosed from the British South Africa Company,‡ were considered at a meeting of the Legal Committee held here on the 18th July.

With reference to the last two paragraphs of your letter of the 10th June, as regards (1), the Committee were of the opinion that the Proclamation was unobjectionable. As regards (2), the Committee observe that, apart from Section 59, no specific provisions are to be found in the Proclamation to guard against permanent deterioration of the surface by mining, though there are provisions which prevent mining in the interest of surface safety in certain circumstances. The Committee, however, do not see, bearing in mind the Common Law applicable, which it is understood is the Roman-Dutch Law, that any special safeguards are called for, for the following reasons:—If the mining is in fact quarrying, so that the removal of the mineral destroys the surface, provisions safeguarding the surface would inevitably stop mining, and this is in principle objectionable. Alternatively, if the mining consists of true mining, so that the getting of the minerals does not remove the surface but merely lets it down, or otherwise adversely affects it so as to cause damage, then the owner of the surface rights would have his claim for compensation quite apart from any provisions in the Proclamation.

The various things such as railways and roads which it is clearly undesirable to allow to be destroyed, are sufficiently safeguarded by the provisions relating to safety pillars.

It is a matter for consideration, however, whether Section 60 (which requires, on abandonment, prospecting trenches to be filled in) should not be altered so as to relate not only to prospecting trenches in the neighbourhood of a public road, but to all excavations made in the course of prospecting where the appropriate authority so requires. Further, the right to remove ore as provided by Section 70 might, it is considered, be linked to an obligation to restore the surface to the reasonable satisfaction of the appropriate authority, or to give adequate compensation in lieu thereof.

The draft Proclamation will be examined further as regards matters of detail, and when that has been done I will send you comments on such matters as seem to the Committee to require further consideration.

I enclose a copy of the minutes of the meeting showing the decisions reached by the Committee.

I am, &c.,
THOS. CROOK
(for the Director).

---

* No. 40. † No. 46. ‡ No. 43.

Enclosure in No. 48.

IMPERIAL INSTITUTE.

MINERAL RESOURCES DEPARTMENT.

Legal Committee.

DRAFT minutes of the meeting of the Legal Committee held at the offices of the Imperial Institute, South Kensington, S.W.7, on Friday, the 18th July, 1930, at 11.30 a.m.

Present:

Sir RICHARD REDMAYNE, K.C.B. (in the Chair).
Dr. J. W. EVANS.
Mr. W. FORSTER BROWN.
Mr. H. F. MARRIOTT.
Capt. The Hon. B. E. H CLIFFORD (Imperial Secretary, South Africa).
Mr. J. F. N. GREEN (Colonial Office).
Mr. E. G. MACHTIG (Dominions Office).
Mr. THOS. CHOOK (Secretary).
Mr. G. STONE (Legal Consultant).

* * * * * * * * * *

3. The draft Mining Proclamation for Bechuanaland was then considered.

As regards the question of the definition of minerals, the Committee took the view that the definition in the Proclamation, in its present form, did not control the meaning of the term " mineral " in the various concessions which had already been granted, and the question arose, therefore, as to whether it was desirable to guard against the difficulty that may emerge in consequence of disputes arising as to the meaning of the term " mineral " when used in concessions. Having regard, however, to the fact that, as it stands at present, the Proclamation is substantially an agreed measure between the local Government and the British South Africa Company, it is a matter for consideration whether it is desirable fundamentally to alter this Proclamation in order to render definite the meaning of the word " mineral " as used in the various concessions.

It is observed that the Proclamation effects a substantial alteration in the rights conferred by existing concessions by limiting the period, a limitation which could hardly be insisted upon except in an agreed measure. In these circumstances, the Committee agreed that it was a matter of policy, with which the Committee was not concerned, to determine whether the compromise should be imperilled by inserting in the Proclamation provisions which would have the effect not merely of defining minerals for the purpose of the Proclamation, but of defining minerals for the purpose of existing concessions.

The Committee observed, however, that if the term " mineral " in existing concessions is to be left at large, it is a matter for consideration whether the words following (underlined) should not be added to Section 29 (1).

> " 29 (1). The holder of a mineral concession, duly registered under section four of this Proclamation, shall have the sole right to prospect thereon for the period of the concession or for the period of twenty-five years (whichever is the shorter) from the date on which this Proclamation was applied to the concession area, and to pay claims and acquire other rights thereon for substances the right to mine which has been acquired under the said concession."

As a matter of detail it was considered that the definition of " mineral " could with advantage be replaced by the following:—

> (1) " Mineral " means any constituent of the crust of the earth but does not include—
> (*a*) soil or subsoil, sand, sandstone, limestone, clay or gravel;
> (*b*) stone suitable for building, road making, ballasting railways or similar purposes;
> (*c*) salt or other similar substances used for pastoral or agricultural purposes;
> (*d*) oil and oil shale.

As regards the first question in the letter from the Dominions Office, viz.:—

> " (1) Whether the provisions in the draft Proclamation afford sufficient protection to the inhabitants of villages and to the owners of surface rights and provide adequate safeguards for preventing the deterioration of land necessary for grazing and for the cultivation of food,"

the Committee were of the opinion that the Proclamation was unobjectionable.

As regards the second question put, viz.:—

> " (2) Whether the provisions in the draft Proclamation are sufficient to deal with the question of lands which may be exploited in a manner calculated permanently to reduce their value,"

the Committee observe that, apart from Section 59, no specific provisions are to be found in the Proclamation to guard against permanent deterioration of the surface by mining, though there are provisions which prevent mining in the interest of surface safety in certain circumstances. The Committee, however, do not see, bearing in mind the Common Law applicable, which it is understood is the Roman-Dutch Law, that any special safeguards are called for, for the following reasons:—If the mining is in fact quarrying, so that removal of the mineral destroys the surface, provisions safeguarding the surface would inevitably stop mining, and this is in principle objectionable. Alternatively, if the mining consists of true mining, so that the getting of the minerals does not remove the surface but merely lets it down, or otherwise adversely affects it so as to cause damage, then the owner of the surface rights would have his claim for compensation quite apart from any provisions in the Proclamation.

The various things such as railways and roads which it is clearly undesirable to allow to be destroyed, are sufficiently safeguarded by the provisions relating to safety pillars.

It is a matter for consideration, however, whether Section 60 (which requires, on abandonment, prospecting trenches to be filled in) should not be altered so as to relate not only to prospecting trenches in the neighbourhood of a public road, but to all excavations made in the course of prospecting where the appropriate authority so requires. Further, the right to remove ore as provided by Section 70 might, it is considered, be linked to an obligation to restore the surface to the reasonable satisfaction of the appropriate authority, or to give adequate compensation in lieu thereof.

It was agreed that the draft Proclamation should be further examined from the point of view of matters of detail, and a memorandum drawn up by the Committee calling the attention of the Dominions Office to such matters as require further consideration.

The Committee rose at 1 p.m.

25th July, 1930

10141/82

No. 49.

BRITISH SOUTH AFRICA COMPANY

to

DOMINIONS OFFICE.

Rhodesia House, 2, London Wall Buildings, E.C.2,
8th August, 1930.

SIR,

Bamangwato Concession—Bechuanaland Protectorate.

As requested in the last paragraph of your letter of 21st July,* I enclose a statement recording the amounts which have been paid by the British South Africa Company to the Bamangwato tribe in respect of the Mineral Concession granted by Khama in 1893.

My Directors have considered the proposals of the Acting Chief for the termination of the 1893 Concession and desire me to say that these do not, in their view, provide a reasonable basis for an agreed settlement of the matter.

The payments which have been made to the Bamangwato tribe in respect of the Concession are of relatively minor importance as compared with other disbursements incurred by the Company either directly or indirectly in connexion with it and with its position and rights in the Bechuanaland Protectorate generally and while the Directors observe that the Acting Chief would propose to reserve to the Company, under certain conditions, the first option to mine and win minerals they consider that such an undertaking, depending, as it would, entirely upon the pleasure of the tribe, both as to time and terms, would be valueless from the point of view of giving to the Company any expectation of recouping itself for its past outlays.

---

* 10141/75: not printed.

The Directors are prepared to agree to the termination of the existing Concession provided that a revised Concession as suggested some time ago by the High Commissioner and on the lines already discussed with him is granted by the Acting Chief.

If the Acting Chief should decline to make the revised Concession my Directors suggest that the present situation in which the Chief claims and the Company denies that the existing Concession is terminable on Notice ought in the interests of all concerned to be cleared up and that the Chief should give notice to the Company purporting to terminate the existing Concession.

The Company's subsequent action in contesting the validity of such a notice would presumably lead to a declaration by the Courts as to what are the legal rights of the matter.

I am, &c.,
C. N. S. MAUDE,
Assistant Secretary.

Enclosure in No. 49.

THE BRITISH SOUTH AFRICA COMPANY

Payments made to the Chiefs of the Bamangwato Tribe by the Company in respect of the Bamangwato Concession, Bechuanaland Protectorate.

THE above Concession provides that:—

"And the said Grantees undertake to pay to the said Chief, his heirs, successors or assigns the sum of £25 per month, payable in advance on the discovery in payable quantities of any gold, precious stones, minerals or metals."

A special grant in respect of 50 claims on the Bushman and Nondu claims was issued in August, 1897, but production did not commence until January, 1917.

The Company therefore agreed to make the monthly payment to the Chief under the Concession as from the 1st January, 1917, and, according to the Company's accounts, the following payments have been made:—

			£
Year ended 31st March,	1918	...	375
Do. do.	1919	...	300
Do. do.	1920	...	300
Do. do.	1921	...	300
Do. do.	1922	...	300
Eighteen months ended 30th September,	1923	...	450
Year ended 30th September,	1924	...	300
Do. do.	1925	...	300
Do. do.	1926	...	300
Do. do.	1927	...	300
Do. do.	1928	...	300
Do. do.	1929	...	300
			£3,825

10141/82.

No. 50.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

[*Answered by No. 52.*]

(Bechuanaland Protectorate.)
(No. 340.)
(Confidential.)

MY LORD, Downing Street, 22nd August, 1930.

WITH reference to your Confidential despatches Nos. 277* and 286† of the 23rd and the 30th May respectively, I have the honour to transmit to you the

* No. 41. † No. 44.

accompanying copy of correspondence* with the British South Africa Company relative to the Company's mining Concession in the Bamangwato Reserve.

2. I shall be glad if the information contained in the Company's letter of the 8th of August may be communicated to Tshekedi.

I have, &c.,
J. H. THOMAS.

10141/86.

No. 51.

IMPERIAL INSTITUTE

to

DOMINIONS OFFICE.

[*Answered by No. 73.*]

SIR, Imperial Institute, London, S.W.7, 31st October, 1930.

WITH further reference to your letters of the 10th June† and of the 2nd July,‡ and my reply of the 30th July,§ I now have the honour to enclose a copy of a memorandum embodying the comments of the Legal Committee on the draft Mining Proclamation for Bechuanaland.

I am, &c.,
W. T. FURSE,
Director.

Enclosure in No. 51.

MEMORANDUM ON THE DRAFT MINING PROCLAMATION FOR BECHUANALAND.

"*Mining Right.*"—This term which comes from Northern Rhodesia may cause difficulty. See clause 6 (3) and contrast the term "mineral rights" of Part V. If the mining right is in A and the mineral rights in B a very difficult position might arise. What does the term "Mining Rights" in clause 6 (3) mean?

"Mining right" (not "rights") has a meaning which collects together all the rights. If "mining rights" is a misprint for "mining right" it would be necessary to obtain the written authorization of every holder of any right which is included in the term "mining right," *i.e.*, the holder of any right in connexion with mining, *e.g.*, the holder of an option to enter and prospect or the holder or an easement held in connexion with mining.

"*Occupier.*"—The inclusion of the words "actually using" rather suggests an opposition between the lawful owner and the actual user. The Northern Rhodesia Proclamation from which this appears to come adds "under and by virtue of any grant or agreement, &c."

"*Private land.*"—Should not the word "unalienated" be placed before the words "Crown land"?

Clause 7 (2).—The power to cancel a prospecting permit without giving reasons and possibly the power to refuse a prospecting permit without giving reasons is calculated adversely to affect prospecting. Prospectors might reasonably fear to undertake a prospecting tour if at any moment and for no assigned reason their permits, and therefore their rights, can be determined.

Clause 9 (2).—"Reasonably possible" renders it doubtful whether any particular application will be in time. It is, perhaps, better to state a time and empower the Mining Commissioner to enlarge that time for cause shown. This is especially necessary in view of 9 (3) which makes priority depend on two facts—(1) priority of pegging and (2) priority of application. Obviously A might be the first to peg and B the first to apply. It is perhaps preferable, and is usual, to make priority depend on priority of pegging subject to title being forfeited by not applying in the prescribed mode within the permitted time. At the same time the concluding sentence of 9 (3) together with 9 (4) goes some way to avoid serious practical injustice and doubts as to title.

* 10141/73: not printed, and No. 49. † No. 40. ‡ No. 46. § No. 48.

Clause 10.—In all cases excluded areas should be capable of being prospected subject to the consent of the appropriate authority being obtained. This conditional entry is provided for in (*d*) and (*e*) but not in (*a*) (*b*) or (*c*).

Clause 11 (2).—It is doubtful whether it is necessary to provide for a refund. If, however, this is considered necessary is it not practicable to permit, in lieu of payment, proof of expenditure? Such a system which operates in Canada is less cumbrous and less onerous. It is necessary to prove expenditure but under the section as drafted it would equally be necessary to prove this to obtain a refund.

Clause 12.—The object of the limitation under this clause is probably to prevent a person pegging a larger area than he can work or pegging an area with the intention of stopping others working (blanketing) but it is to be observed that in the case of prospecting under mineral concessions or on private lands it is expressly provided that there shall be no limit to the number of claims. It might well be that circumstances could arise on Crown lands where this rigid limit would be undesirable Possibly it is thought that Part IV will meet such exceptional cases. Mr. Forster Brown considers, however, that the purpose of clause 12 is by no means apparent and even if retained for the reason above mentioned or any other reason a certain degree of flexibility might with advantage be conferred by, *e.g.*, providing for the marking out of a larger number of claims if the consent is obtained of, *e.g.*, the Mining Commissioner, who must be satisfied as to the ability of the applicant adequately to prospect the larger area, &c.

Clause 18.—If the registration has to be effected within 48 hours the time appears inadequate in many cases, *e.g.*, where the principal does not reside in Bechuanaland It is not seen how he could, if resident in (say) Cape Town, register a new name in Bechuanaland within 48 hours of receiving in Cape Town the notice mentioned in 18 (5).

Note on Part II.

It is a matter for consideration whether sufficient provision is made enabling the peggers of claims to develop their blocks of claims on a large scale. The provisions of Part IV which permit of Crown grants of areas of any size for any term do not apply to lands that have been proclaimed. Lands proclaimed are to be developed by the claim system which is founded on the claim licence, a document which is not scheduled, and which presumably would not be for any particular terms of years. Where a certificate of special registration is issued the holder's title at the date of issue of certificate is made indisputable as to past acts but there is no assurance as to the future. Compare and contrast the vital section 28 of the Mining Proclamation of Northern Rhodesia which gives indefeasible title, i.e., an everlasting title. This has been regarded as of great importance by financial interests. Again in Northern Rhodesia the rigidity of the claim or location system with its definite maximum area conception is supplemented by the special grant idea which enables any kind of area for any kind of term to be granted where circumstances appear to indicate that it is desirable.

Consider whether a modern coal or deep ore mine could be developed with preliminary capital cost in shaft sinking and general lay-out of £2,000,000 under this system. It is true that the area which may be pegged is adequate (approximately 700 acres) but is the title such as would appeal to financial interests? Again though the area which *may* be pegged is adequate a much smaller area can and often will be pegged. How can these areas be grouped together into the larger area necessary assuming that capital is prepared to take a hand? The blocks (however small) have to be pegged and beaconed separately and there would not appear to be any provision made for amalgamation. It is true that Part IV makes provision for Crown grants but that part is restricted in its operation and leaves at large the question as to the nature of the title contemplated.

Clause 34.—Does this sufficiently provide for the determination of the exclusive prospecting rights? Could, after the 25 years, anyone prospect these areas? Clause 34 (2) apparently has the effect of excluding these areas from mineral development except by persons who have negotiated a concession with the person vested with the mineral rights. Is it the accepted view that (whether or not the existing concessions grant rights to all minerals) the grantors have (subject to the grant) the right to all minerals? It will be remembered that a modification of clause 29 (1) has been suggested in order to leave at large the question of what minerals are included in these grants. Suppose that in fact " mineral " as used in these concessions is a term of narrower meaning than " mineral " as used in the Ordinance. Let the latter term equal *a*, *b*, *c*, and the former *a*, *b*. What happens to *c* in these areas?

39

Part V.

Quite rightly the term " mineral rights " is here used but in clause 6 (3) which appears to be linked up to the scheme of Part V by section 38 the term " mining rights " (which, as defined, has a very different meaning from mineral rights) is used.

No one apparently is given any power to enter private land against the will of the owner or to acquire any easement over or in private land (except by contract). This will probably cause trouble should a mining industry develop. Many codes provide for cumpulsory entry under suitable safeguards and subject to compensation. It may well be, however, that this difficulty need not be dealt with at this stage.

It is a matter, however, for immediate consideration whether the royal metals (gold and silver) are to be treated as the subject of individual ownership. Prima facie in a Colony the royal metals are part of the royal prerogative rights and do not pass on a grant of the land even though the grant conveys all minerals specifically. If the royal metals are not regarded as belonging to the person having mineral rights in private land the Bill appears to prevent these metals being prospected for on private land.

Clause 41 (1) is somewhat nebulous. The right given is important but as the conditions are at large the inducement to discover is not so great as would be the case if the general nature of the conditions were more clearly defined.

Apart from Clause 41 (1) no provision seems to be made for rewarding a discoverer. No priority is given to him and no free claims or other advantages are conferred.

Clause 41 (2).—It is a matter for doubt whether the South African idea of profit-sharing in the case of a pipe is desirable in the case of Bechuanaland. If it be the meaning of the term, " capital cost " becomes important and does not appear to be clear. Does it mean interest on capital expended and depreciation, or does it mean capital expended per annum, or has it another meaning in this context?

Clause 44 (3).—Some provision should be made enabling the prospector to obtain water for prospecting purposes as well as for domestic purposes.

It should be borne in mind that the law from which this comes gave these rights while the person exercising them was employed in the exercise of his rights under a prospecting licence. Such licence was of unlimited duration and gave rights both of prospecting and mining and took the place of the prospecting permit and the claim licence. Under the Bechuanaland law the prospecting permit (Clause 7 (2)) determines after 12 months. Thereafter the holder would not be the holder of a valid prospecting permit within the meaning of Clause 44.

On the other hand to give these rights (which are normally only given to prospectors) to the miner for the duration of his mining title (which might be 100 years) is unduly generous. The more usual course is to provide the prospector with rights of this nature but to require the miner to acquire necessary water rights, timber rights and easements and pay for them. Sections 7 and 14 of the law drifted for Northern Rhodesia might be considered with the necessary modifications.

Clause 45 (*b*).—It should be borne in mind that this gives free grazing and timber for an unlimited period and (in the case of large-scale mining involving pit props) of great value. It would appear that the area from which the timber might be taken for the claims is practically unlimited (except by Clause 10).

Clause 51.—The monthly rent of 5s is unreasonable. It was reserved by the Mining Proclamation of Northern Rhodesia, but it is believed it has not in fact been enforced, and however that may be, it is altogether excessive. In the case of Northern Rhodesia draft (Section 24) the Legal Committee fixed it at the agricultural value or 10s. per acre per annum whichever is the less.

Clause 54.—Even where the supply is not limited the person using water should be required to discharge it in the same watershed from which the water taken was derived though not (in such case) necessarily to the same channel or watercourse.

Clause 23 (6) might be compared with Clause 67.

Third Schedule, Sub-clause (2).—There would appear to be some words missing.

It is suggested that in order to avoid risk of collusion between buyer and seller, it should be provided that the gross price should be subject to reasonable deductions for transport and selling commissions subject to arbitration in the event of dispute

Gilbert Stone,
27th October, 1931.

20285/1.

No. 52.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 5.18 p.m., 20th November, 1930.)

No. 133. 20TH NOVEMBER. Your despatch of 22nd August, No. 340. Confidential.* Resident Commissioner Bechuanaland Protectorate reports that Bamangwato have decided to give the British South Africa Company formal notice of termination of the Concession and to face litigation.—ATHLONE.

20285/1.

No. 53.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 530.)

Downing Street, 6th December, 1930.

MY LORD,

WITH reference to your telegram No. 133 of the 20th November,† I have the honour to transmit, for your information, the accompanying copy of an extract from House of Commons Official Report of the 27th November containing Question and Answer regarding the concession to the British South Africa Company granted by Chief Khama in 1893

I have, &c.,
J. H. THOMAS.

Enclosure in No. 53.

HOUSE OF COMMONS.

Extract from Official Report of 27th November, 1930.

BECHUANALAND (MINERAL CONCESSION).

MR. MANDER asked the Under-Secretary of State for the Colonies the present position with regard to the concession for minerals held by the Chartered Company in the Bechuanaland Protectorate; whether the Bamangwato tribe have recently had another new offer made to them; and, if so, what decision has been come to in the matter?

MR. THOMAS: I have been asked to reply to this question. As explained in the reply given by my hon. Friend the Under-Secretary of State for Dominion Affairs in answer to a number of questions addressed to him on this subject on 19th February last, there has been discussion recently as to the grant of a revised concession to the British South Africa Company in substitution for that granted by Chief Khama in 1893. Information has, however, now been received that the Bamangwato tribe have decided to give the British South Africa Company formal notice of the termination of the 1893 concession.

20285/2.

No. 54.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 15th December, 1930.)

(Bechuanaland Protectorate.)
(No. 590.)

High Commissioner's Office, Pretoria.
26th November, 1930.

SIR,

I HAVE the honour to enclose herewith a copy of a despatch from the Resident Commissioner of the Bechuanaland Protectorate together with a copy of my reply.

2. I have already informed you by telegraph of the Chief's decision to give the Company notice of his desire to terminate the Khama concession, and I suppose

* No. 50. † No. 52.

the consequences will be litigation before the Special Court of the Bechuanaland Protectorate with every prospect of protracted legal action before the Privy Council. My anxiety in regard to the expenditure likely to be imposed on the tribe is described in my despatch to the Resident Commissioner. The immediate issue of a proclamation on the lines of Swaziland Proclamation No. 7 of 1927 would relieve unwilling members of the tribe from the obligation to contribute, and would no doubt have the effect of curbing any tendency towards extravagance on the part of the Chief or rapacity on the part of his legal representatives. But unless you advise to the contrary I do not feel disposed to issue a proclamation at this juncture which might be construed as an attempt to prevent the cancellation of the concession.

3. The Resident Commissioner was optimistic that the Chief would come to him with a request that a new concession should be negotiated, but I have long been convinced that nothing can disturb his firm intention to resist mining in his reserve, and in this no doubt he is supported by most of the other Chiefs, all of whom are anxious to maintain the *status quo* and their power over the people. They cannot, I think, be blamed, and though I should have liked to obtain funds for development in native reserves from mining operations and the rentals prescribed in the Proclamation, I shall nevertheless be pleased when this tiresome dispute is settled one way or the other.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure 1 in No. 54.

(Confidential.)

Resident Commissioner's Office, Mafeking,
24th November, 1930.

MY LORD,

I HAVE the honour to advert to and to confirm my telegrams informing Your Excellency that Acting Chief Tshekedi and the Bamangwato Tribe had decided to give notice to the British South Africa Company to terminate the Mineral Concession granted in 1893 by Chief Khama, and that Tshekedi had subsequently informed me that he desired to proceed to Cape Town to consult his legal advisers with a view to giving effect to the above decision.

In this connexion I desire to submit the following observations.

As I have already informed Your Excellency, Tshekedi and six of his headmen had an interview with me recently in Mafeking, at which the refusal of the British South Africa Company to entertain the Chief's latest proposal for terminating the Concession by agreement was discussed.

At the conclusion of the interview they invited me to come to Serowe in order that the position could be explained fully to the tribe in Kgotla, and I accordingly proceeded there on the night of the 17th, meeting the tribe on the 18th and 19th instant.

The Kgotla was not as large a one as on previous occasions, numbering not more than 1,500 people at a rough estimate, and was not representative of the country outside Serowe nor of the more progressive and advanced sections; the Makalaka, for example, were not present.

The Chief opened the proceedings by explaining the object of my presence; he said that I had agreed at his request to explain the mining position to the tribe; that afterwards all would be at liberty to express their views; and that he would himself speak last, so that others should not be influenced by his views.

This latter statement was of course mere camouflage, as his views are perfectly well known to every member of the tribe, and have been impressed on them incessantly for the past few years.

I then explained at length and in detail the present position of the mining question, the terms of the 1893 Concession, the legal position of that Concession, the terms of the proposed new concession and its improved provisions as regards duration, finance, and safeguards for native interests and privileges.

I quoted verbatim extracts from statements made on the subject by Your Excellency and by the Secretary of State, and I repeated the assurances already given that no pressure of any sort or kind to sign the proposed new concession was contemplated or would be permitted by His Majesty's Government, and said that both Your Excellency and the Secretary of State had advised the Chief in the interests of the tribe to accept the proposed concession, which advice I now repeated to them.

Failing the adoption of this course they could give notice to terminate the 1893 Concession, when the matter would be tested in the Courts leading in all probability

to long and costly litigation, the financial result of which would press heavily on the tribe whether they won or lost, and that in addition, if they lost they would be subject to the provisions of the 1893 concession under which the British South Africa Company would be entitled to prospect and mine subject only to the general Mining Regulations shortly to be promulgated by the Government.

Another course would be for the British South Africa Company to commence operations under the existing concession, when the tribe could apply for an injunction which would lead to the same results as those indicated in the preceding paragraph.

As a possible fourth course I suggested that if they desired to avoid litigation, but objected to any particular provisions of the proposed new concession, I would use my good offices in an endeavour to get such provisions amended or improved.

After I had spoken on the first day and again on the second day, a number of speakers addressed the Kgotla. They were nearly all old men, friends of the Chief, and their remarks were practically all couched in identical terms, i.e., that they "feared" mining and asked the Government to stop it. Only after I had invited any speakers who held other views to state them and reminded them that they had been asked by the Chief to do so, did three persons speak in favour of mining; all young men, all men who had signed the recent petition against the Chief which, as I have already reported to Your Excellency, is the subject of an inquiry by the Resident Magistrate; and all obviously nervous and ill at ease.

Then the Chief concluded the proceedings by a lengthy speech directed not only against mining, but against practically all forms of European penetration and, indeed, generally anti-European in tone. Though containing many fallacies and misconceptions, the speech was undoubtedly an able one.

It was obviously useless to prolong the proceedings: the Chief's mind was made up, and two years' drilling in the way he wished them to go had made it clear to the tribe that it would be unwise for them to go counter to their Chief's views. I have already made this unfortunate aspect of Mangwato tribal affairs clear to Your Excellency in previous despatches, and I would only add that from my own impressions and from inquiries I have made through reliable native sources and otherwise, I am convinced that the majority of the Kgotla meeting itself, and *a fortiori* the tribe as a whole, would if they were allowed to express their views in a free and unfettered manner, decide in favour of the introduction of mining into the Reserve.

In the present circumstances, however, that cannot be, and there is consequently no alternative to the entry on the slippery slope of legal proceedings. As they wished to take this course I advised them to take steps to that end at once, so that the matter might be settled as soon as possible.

The conclusion come to is the more unfortunate inasmuch as it must tend to delay development of the tribe in other directions. The Chief's mind has since his accession been so taken up with this mining question, with the Ratshosa troubles, and with wrangling with the Administration on other minor matters, that as he admitted to me himself he has had little time to attend to tribal matters. And as a result the Bamangwato lag behind several of the other tribes, where in fact they ought to lead them. As examples of this may be cited the fact that Serowe, the largest native town in the Territory, still lacks any organized form of water supply for man or beast (I have, as reported to Your Excellency elsewhere, only just adjusted this trouble); their education is on a lower level than other tribes; they have failed to organize any sort of agricultural show in their district; alone among all the tribes they have failed to respond to my offer made last April to send men to be trained as agricultural demonstrators to help the tribe to improve their methods of stock and crop raising.

Such examples might be multiplied. What is worse is that this neglect of tribal interests is leading to discontent and unrest, as reported in my General Report to Your Excellency on the Bamangwato.

I had a long private talk lasting two hours with Tshekedi on these matters in the evening after the Kgotla; and I spoke to him very frankly pointing out to him the danger he was running and the unfortunate position into which matters were drifting. I think he was impressed; at all events he received my remarks very well, and expressed the hope that matters would be able to progress better in the future; he assured me that he did not wish to oppose the Government in any way, and that his only desire was to work closely with me.

Prior to proceeding to Serowe I had also had long talks (on separate days) with Mr. Haile and Mr. Chirgwin of the London Missionary Society on the subject of Bamangwato affairs. As Your Excellency is of course aware Mr. Haile is the Director of Tiger Kloof, and Mr Chirgwin is the newly appointed travelling Inspector of the Society

41

I spoke to them frankly as to my uneasiness regarding the position into which affairs in the Reserve seemed to be drifting and as to the desirability for close and friendly co-operation in the interests of the tribe between the Society and the Government, each in its own sphere.

Your Excellency will I feel sure be glad to see the very cordial terms of the letters which these gentlemen subsequently sent me, copy of which is attached.* I have since received a very cordially worded request for an interview from Mr. Jennings, of the London Missionary Society, whom I had of course already met.

With Monseigneur Meysing of the Roman Catholic Church, Mr. Reynecke of the Dutch Reformed Church, and Mr. Smith of the Church of England, I am happy to say that my relations are also close and cordial, a factor which I regard as of much importance not only as regards the general welfare of the Territory, but especially as regards our new educational proposals, with which the above-named gentlemen are all associated.

I have, &c.,
C. F. Rey,
Resident Commissioner.

Enclosure 2 in No. 54.

(No. 2309.) High Commissioner's Office, Pretoria,
26th November, 1930.

Sir,

I have the honour to acknowledge the receipt of your despatch of the 24th November informing me of your visit to Serowe and of the proceedings at the Kgotla meeting held 18th November during which you explained the mining position to the Chief and received his decision that he wished to give notice to the Company of his desire to terminate the Concession granted to the British South Africa Company by his father.

2. I think that it would perhaps have been better not to have referred to any alternatives other than accepting the new concession or giving the Company notice and to have omitted any statement regarding the possibility of seeking an injunction to restrain the British South Africa Company from carrying out mining operations in the Reserve, but in view of the decision taken by the Chief this aspect of the matter is no longer of any importance.

3. I formed the impression that the Chief was strenuously opposed to mining, and although at one time I thought his prejudices might have been overcome by reasoned argument and the benefits likely to be conferred on his people, it gradually became evident to me that he could not be deflected from his initial inclination. His opposition to European "penetration" is quite comprehensible, and indeed I should myself be opposed to any European "penetration" into native reserves of a permanent nature or of a kind likely to prejudice native rights, and I was careful to include in the mining Proclamation the severest possible restrictions to frustrate any such interference. I presume, however, that your remarks are not to be so construed. The anti-European attitude of the Chief, which I deprecated, was his opposition to the Debeeti road and to the establishment of road motor services in the Reserve, which were intended to assist his people to get their dairy and other produce to the railway. I also deplored his inclination to pick quarrels with the settlers in the Tuli Block, though I appreciated that the faults were not all on one side, and that he had inherited a vendetta against some of the settlers which was bound to have some influence on his judgment.

4. I am inclined to question the accuracy of your view that the majority of the tribe are in favour of mining. I should be more inclined to state that tribal opinion in "*tres partes dicisa est*." There are the old stalwarts who constitute the Mangwato aristocracy and who, under the leadership of their Chief, are opposed to mining, road motor services, and even the provision of water supplies if they think such enterprises are likely to impair the authority they exercise over their followers or weaken the discipline through which they impose their authority. Then there are the more progressive section of the people, which includes those living in and around the Tati district who have experience of mining and realise that it provides a market for their produce and a ready and simple means of earning their hut tax without entailing a break with

* Not printed.

their home life, which so often results when they have to go to distant mining centres and lead an unnatural existence in a compound. Finally there are natives such as those along the Botletle River and on the fringe of the desert who, by reason of the remote lives they lead, and from general ignorance, are incapable of forming or expressing any views whatsoever on the mining controversy, and whose emancipation from the rigorous feudal authority of their Chiefs is unlikely to be achieved for some time to come.

5. The state of affairs described in the concluding paragraphs of your despatch is to a large extent the outcome of the tribal divisions to which I have referred. Those in power naturally wish to maintain the *status quo*, while people like the Makalakas and smaller sections like the Mabirwa and the Tonoto are anxious to lead a more independent existence, and have no fear that the influx of a few Europeans for educational, transport or mining work will threaten their tenure, but, on the other hand, believe that it may give some relief from the strict rule of their Chiefs.

6. I am pleased to learn of your friendly relations with the missionaries, and while I still believe that the tribe would benefit from strictly controlled mining, I should not greatly regret the cancellation of the concession, provided it was followed by a more amenable disposition in Tshekedi and the introduction of a more progressive spirit amongst the Mangwato leaders.

7. In conclusion I should like you to keep as far as possible in the closest touch with the Chief, so as to prevent him incurring extravagant legal expenditure or falling into the clutches of rapacious or unscrupulous lawyers. I think his parsimonious nature will prove to be a valuable safeguard so far as he personally is concerned, but I understand from conversations with you that he has shown a tendency to become avaricious and might conceivably make this lawsuit, if it comes on, an excuse for extorting from his people more money than is actually required. This has caused me some concern, more particularly because he is so extremely secretive. I should be most loath at this juncture to enforce in the Bechuanaland Protectorate a proclamation prohibiting levies on the Tribe similar to that promulgated in Swaziland against Sobhuza.

8. If I had to resort to this expedient now I would expose the High Commissioner to the charge that he was deliberately putting obstacles in the way of the Chief with a view to preventing the cancellation of the concession. It is true that by watchfulness we may be able to frustrate any levies prior to the delivery of judgment and issue a proclamation to protect the tribe after it has been pronounced. But as the terms on which briefs are accepted will no doubt decide the major portion of the expense and will be one of the earliest commitments this course would merely throw the burden on the Chief and, as the Swaziland precedent has already demonstrated, the Government would no doubt have to come to Tshekedi's rescue and bear the odium of having to collect the money from the tribe and pay it into a fund controlled by the Resident Commissioner.

I have, &c.,
ATHLONE,
High Commissioner.

His Honour
The Resident Commissioner of the
Bechuanaland Protectorate.

20285/4.

No. 55.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 8.53 p.m., 30th December, 1930.)

No. 148. 30TH DECEMBER. My despatch of the 26th November, No. 590.* Tshekedi has asked that following notification be conveyed to the British South Africa Company before the 1st January :—

Begins :—Serowe, 25th December, 1930. To British South Africa Company, London. Re Mining Concession, 25th July, 1893. Gentlemen, I hereby inform

* No. 54.

you that the tribes in Kgotla assembled, and in the presence of the Resident Commissioner on the 19th November, 1930, decided to terminate this concession, and I was instructed to take all measures necessary to this end. Although it is not in accordance with our laws and custom to give any period of notice when cancelling an agreement, still as an act of courtesy I hereby give you notice terminating this agreement as on and from 31st December, 1931. This notice is without prejudice to our rights, if any, to have the whole agreement declared null and void by reason of duress, undue influence and/or misrepresentation of facts connected with the granting of this concession, more peculiarly within the knowledge of British South Africa Company or its representatives, but concerning which I am not fully informed at present, as I have not had inspection or copies of all collateral records.

Further, it became obvious that during the recent discussions with the Imperial Authorities in attempting to negotiate a revised agreement, that your Company hold the view that this concession never was nor is restricted as to its operations within "cattle post areas," whereas Chief Khama explicitly understood that such areas were excluded from operation of his concession. This would indicate that parties to the agreement were *never ad idem*.

Under all these circumstances I cannot accept any further payment of rent on account of this concession. Signed, Tshekedi Khama, Acting Paramount Chief of the Bamangwato.—*Ends.*

A copy of this notification has been communicated to Sir D. Chaplin.—HIGH COMMISSIONER.

20285/6.

No. 56.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 19th January, 1931.)

[*Answered by No. 58.*]

(Bechuanaland Protectorate.)
(No. 3.) High Commissioner's Office, Cape Town,
2nd January, 1931.

SIR,

WITH reference to my telegram No. 148 of the 30th December* regarding the termination of the Khama concession, I have the honour to transmit herewith a copy of a despatch received to-day from the Resident Commissioner, Mafeking, forwarding a copy of a letter from Tshekedi Khama, Acting Chief of the Bamangwato enclosing his letter to the British South Africa Company† giving formal notice of his intention to terminate the concession. A copy of this notification has been communicated to Sir Drummond Chaplin, and I shall be glad if the original document can be transmitted to the Company's offices in London.

I have, &c.,
R. M. BURMESTER,
High Commissioner.

Enclosure in No. 56.

(No. 382/13.) Resident Commissioner's Office, Mafeking,
30th December, 1930.

SIR,

WITH reference to my telegram No. 353 of the 29th December I have the honour to enclose a copy of the letter from Chief Tshekedi with the notice of termination of the Mining Concession of 1893, in original, which were referred to therein.

I have, &c.,
A. G. STIGAND
(for Resident Commissioner).

His Excellency
The High Commissioner,
Cape Town.

* No. 55. † Not printed; it was word for word the same as the notification in No. 55.

Kgotla ea Kgosi,
Gamanwato.

My Friend, Serowe, Bechuanaland, 25th December, 1930.

In pursuance of the tribal decision with regard to the cancellation of the Mining Concession, I beg to forward Your Honour the enclosed notice of termination of the agreement which I request you to forward by cable on my behalf.

Your Honour will see by the notice that I am somewhat handicapped by the omission of the Government to provide me with copies of the correspondences that passed between the parties to the Agreement and the Government prior to and at the time of signing the Concession. This correspondence was detailed in my letter to the Imperial Secretary on 27th February, 1930, when I was informed that some of these documents were filed in Pretoria and others were in London.

I should also be glad if Your Honour could secure for me copies of the correspondence between the Government, the late Chief Sekgoma and the British South Africa Company relative to Sekgoma's request to give notice cancelling this Concession.

In asking your Honour's active support in attempting to cancel this Concession I should much value copies of any correspondence or documents in the possession of the Government dealing with this matter and which might assist us to secure the object we have in view.

I beg, &c.,
Tshekedi Khama.

To the Resident Commissioner,
Mafeking.

20285/7.

No. 57.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 2nd February, 1931.)

(Bechuanaland Protectorate.)
(No. 49.) High Commissioner's Office, Cape Town,
16th January, 1931.

Sir,

With reference to my despatch No. 3 of the 2nd January* regarding the termination of the Khama Mineral Concession, I have the honour to transmit herewith a copy of a letter which has been received from Sir Drummond Chaplin forwarding the British South Africa Company's reply to Acting Chief Tshekedi's letter of the 25th December.†

2. The Company's letter refusing to accept notice of the termination of the Concession and intimating that the question must now be settled by the Courts, has been transmitted to the Resident Commissioner with a request that he will cause it to be handed to Tshekedi.

I have, &c.,
R. M. BURMESTER,
High Commissioner.

Enclosure 1 in No. 57.

The Rhodesia Chartered Agency, Limited, Cape Town,
16th January, 1931.

Sir,

With further reference to your letter of 3rd January, transmitting a copy of the text of the letter addressed to the British South Africa Company by Tshekedi Khama, dated 25th December, 1930, I enclose the Company's reply and would ask that it should be transmitted to Tshekedi Khama as soon as possible.

Yours, &c.,
Drummond Chaplin.

The Imperial Secretary,
High Commissioner's Office,
Parliament Street,
Cape Town.

---

* No. 56. † *See* notification No. 55.

43

The Rhodesia Chartered Agency Limited,
Northern Assurance Company's Buildings,
St. George's Street, Cape Town,
16th January, 1931.

Sir,

With reference to your letter of the 25th December, 1930, on the subject of the Mining Concession dated 25th July, 1893, I am desired by the Directors of the British South Africa Company to inform you as follows:—

1. The Company denies your right to terminate the Concession as on the 31st December, 1931, or any other date, and maintains that the Concession is of full force and effect, and is not terminable by notice.

2. The Company denies that the Concession was null and void by reason of "duress, undue influence and/or misrepresentation of facts," or because "the parties to the agreement were never *ad idem*," or for any other reason.

3. It is clear that the duration of the Concession is in dispute, and that it will be necessary to obtain the decision of the Special Court, and that it is in the interests of all parties that this decision should be obtained as soon as possible. The Company, therefore, is willing to co-operate with you in bringing the matter before the Special Court, by means of a special case or otherwise, at the earliest possible date and with the least possible expense.

4. In the meanwhile, pending the decision of the Court, the Company will continue to treat the Concession as binding on both parties and to act under it, and refuses to accept any notice of termination.

Yours, &c.,
Drummond Chaplin.

Tshekedi Khama,
Acting Paramount Chief of the Bamangwato,
Serowe, Bechuanaland.

20285/6.

No. 58.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 53.)
Downing Street, 5th February, 1931.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 3 of the 2nd January,* and to inform you that the letter from the Acting Chief Tshekedi Khama, giving formal notice of termination of the Mining Concession of 1893, was forwarded to the British South Africa Company on 2nd February. Copies of the letter to the Company and of the earlier letter sent to them on receipt of Lord Athlone's telegram No. 148 of 30th December† are enclosed.

It is not stated in your despatch whether the request in the letter of 25th December from the Acting Chief to the Resident Commissioner for the supply of certain documents has been complied with, but I presume that this is the case.

I have, &c.,
J. H. THOMAS.

---

* No. 56. † No. 55.

Enclosure 1 in No. 58.

SIR, Downing Street, 2nd February, 1931.

WITH reference to the letter from this Department of the 31st December, communicating the text of a letter to the British South Africa Company from Tshekedi Khama, Acting Chief of the Bamangwato, giving formal notice of termination of the Mining Concession of the 25th July, 1893, I am directed by Mr. Secretary Thomas to enclose the original of this letter, which has been forwarded by the High Commissioner for South Africa, at the request of Chief Tshekedi, for transmission to the British South Africa Company.

2. It is understood that a copy of this notification has been communicated to Sir Drummond Chaplin.

I am, &c.,
E. G. MACHTIG.

The Secretary,
British South Africa Company.

Enclosure 2 in No. 58.

SIR, Downing Street, 31st December, 1930.

WITH reference to the letter from this Department of 21st August, relative to the mineral concession granted to the British South Africa Company in the Bamangwato Reserve, by Chief Khama in 1893, I am directed by Mr. Secretary Thomas to request you to communicate to your Directors the text of the following telegram, dated 30th December, which has been received from the Acting High Commissioner for South Africa.

"Tshekedi has asked * * * [See No. 56.] * * * communicated to Sir D. Chaplin"

I am, &c.,
E. G. MACHTIG.

The Secretary,
British South Africa Company.

20285/8.

No. 59.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 9th February, 1931.)

(Bechuanaland Protectorate.)
(No. 53.)

SIR, High Commissioner's Office, Cape Town, 22nd January, 1931.

WITH reference to my despatch No. 49 of 16th January,* I have the honour to enclose, for your information, a copy of a despatch dated 14th January, 1931, from Resident Commissioner, Mafeking, a letter to Sir D. Chaplin, dated 20th January, 1931, and of a letter from Sir D. Chaplin, dated 21st January, 1931, on the subject of the desire of Acting-Chief Tshekedi to effect the termination of the Khama Concession.

I have, &c.,
R. M. BURMESTER,
High Commissioner.

Enclosure 1 in No. 59.

SIR, Resident Commissioner's Office, Mafeking, 14th January, 1931.

WITH reference to previous correspondence on the subject of the Khama Mineral Concession, I have the honour to forward herewith a copy of a letter addressed to the Chief Tshekedi by the Accountant, British South Africa Company, Salisbury, covering a cheque for £25, being the amount of the subsidy payable in advance, for January, 1931; together with a copy of Tshekedi's letter to the Magistrate, Serowe, in which he asks that the cheque may be returned, and a copy of the Magistrate's minute on the subject.

* No. 57.

If Your Excellency agrees I should be glad if you would cause the cheque to be returned to the Company.

I have, &c.,
C. F. REY,
Resident Commissioner.

His Excellency
The High Commissioner,
Cape Town.

British South Africa Company,
General Manager's Office, Charter House,
Salisbury, 31st December, 1930.

Chief Tshekedi, Regent of the Bamangwato,
c/o Resident Magistrate, Serowe, B.P.

I enclose a cheque for £25 in payment of account as per particulars given below.

No acknowledgment is necessary beyond signing the receipt form at the foot of the cheque.

It is requested that the cheque be presented for payment without delay.

(Sgd.)
Accountant.

No. 231. Subsidy in advance for January, 1931. £25 0s. 0d.

Kgotla ca Kgosi,
Gamanwato.

MY FRIEND, Serowe (Mmokwe), Bechuanaland, 7th January, 1931.

Re Mineral Concession.

Following the contents of my letter of the last month I enclose cheque No. 231 which I have received to-day from the British South Africa Company and I ask that this cheque be returned to the Company and the Company be reminded that I have said I cannot receive any more rents from the Company in connexion with this Concession.

I remain, &c.,
TSHEKEDI KHAMA.

P.S.—Letter from Company attached to cheque to be returned please.
T. K.

The Resident Magistrate,
Serowe.

The Government Secretary, Mafeking.

Khama Concession.

With reference to my minute No. S. 642 A, on the above subject, I enclose herewith a cheque, No. 04032, in favour of the Chief Tshekedi and amounting to £25, which he has received from the British South Africa Company in respect of the Khama Concession for the month of January, 1931.

I would observe that on this occasion the monthly cheque has been sent by the Company direct to the Chief whereas on all previous occasions since I have been here it has been sent to me for transmission to him.

I shall be glad if you will return the cheque to the Company referring them to the terms of Tshekedi's notice of termination.

G. E. NETTELTON,
Resident Magistrate.

Serowe,
8th January, 1931.

Enclosure 2 in No. 59.

SIR, High Commissioner's Office, Cape Town, 20th January, 1931.

I AM directed by the High Commissioner to inform you that Tshekedi Khama, Acting Chief of the Bamangwato, has forwarded to the Magistrate at Serowe the accompanying cheque for £25 which he has received from the General Manager's Office of the British South Africa Company at Salisbury.

The Acting Chief has requested that the cheque may be returned to the Company and that the Company should be reminded that he has said that he cannot receive any more rents in connexion with the Mineral Concession.

I am, &c.,
B. E. H. CLIFFORD.

Sir D. Chaplin, C.B.E., K.C.M.G

Enclosure 3 in No. 59.

The Rhodesia Chartered Agency Ltd., Cape Town,
21st January, 1931.

SIR,

Bechuanaland Protectorate: Mining Concession.

I HAVE to acknowledge the receipt of your letter of the 20th instant enclosing the British South Africa Company's cheque for £25 returned by the Acting Chief Tshekedi Khama.

Yours, &c.,
F. D. P. CHAPLIN.

The Imperial Secretary,
High Commissioner's Office,
Cape Town.

10141/89.

No. 60.

DESPATCH
to
HIGH COMMISSIONER, SOUTH AFRICA.

[*Answered by No. 66.*]

(No. 58.)

SIR, Downing Street, 9th February, 1931.

WITH reference to my despatch No. 273 of the 2nd July,* I have the honour to transmit to you copies of two letters† received from the Imperial Institute containing their observations on the draft Mining Proclamation of the Bechuanaland Protectorate received with Lord Athlone's despatch No. 125 of the 28th February.‡

2. I shall be glad if you will consider, in conjunction with your advisers, the observations of the Imperial Institute Committee on the draft Proclamation and also those of the British South Africa Company forwarded with my despatch of the 2nd July,* and let me have your views upon the various points raised. It will be convenient if, with your reply, you could send me a copy of the draft Proclamation amended as you may consider desirable in the light of the observations made by the Imperial Institute Committee and the British South Africa Company.

3. I take this opportunity of reminding you that it will be necessary for regulations under Clause 110 of the draft Proclamation to be prepared. I shall be glad if this can be taken in hand, and if the draft of the proposed regulations can be sent to me for examination.

I have, &c.,
J. H. THOMAS.

---

* No. 47. † Nos. 48 and 51. ‡ 10141/39: not printed.

45

20285/9.

No. 61.

DESPATCH
from
HIGH COMMISSIONER, SOUTH AFRICA.

(Received 7th April, 1931.)

(Bechuanaland Protectorate.)
(No. 163.)

SIR, High Commissioner's Office, Cape Town, 20th March, 1931.

WITH reference to your despatch No. 53 of the 5th February* regarding the letter addressed by the Acting Chief Tshekedi Khama to the British South Africa Company giving formal notice of termination of the Mining Concession of 1893, I have the honour to transmit to you, for your information, a copy of a despatch which I have addressed to the Resident Commissioner of the Bechuanaland Protectorate relative to the request of the Acting Chief to be supplied with certain documents.

2. In the copy of the late Lord (then Sir Henry) Loch's despatch No. 355 of the 28th August, 1893,† which is included in the file of correspondence to be handed to Tshekedi, I have caused the last paragraph to be omitted. The paragraph in question contained a reference to the Marquess of Ripon's despatch No. 308 of the 20th December, 1892,‡ and although that despatch was printed in Parliamentary Paper C.7154 I deemed it expedient to avoid drawing Tshekedi's attention to the proposal put forward nearly 40 years ago, when entirely different conditions prevailed, that the Government Officers should assist the Company to obtain concessions in the Bechuanaland Protectorate.

I have, &c.,
HUGH J. TWEEDIE.
High Commissioner.

Enclosure in No. 61.

(Bechuanaland Protectorate.)
(No. 420.)

SIR, High Commissioner's Office,
Cape Town, 13th March, 1931.

WITH further reference to your despatch No. 382/13 of the 30th December enclosing a copy of a letter, dated 25th December, from the Acting Chief Tshekedi and his notice to the British South Africa Company of his intention to terminate the Mineral Concession granted to the Company by Chief Khama in 1893, I have the honour to transmit herewith, for your information, a copy of a despatch which has been received from the Secretary of State forwarding a copy of two letters which he had caused to be addressed to the Company.

2. Tshekedi's request in his letter to you of the 25th December to be furnished with copies of certain correspondence has been receiving attention. From a letter (copy attached) which he addressed to the Imperial Secretary on the 27th February, 1930 (the day before the Chief sailed for England) it appears that the documents of which he desires to obtain a copy are as follows:—

(1) Correspondence in 1893 or before, between Chief Khama, Mr. John Smith Moffat, the High Commissioner and the British South Africa Company, especially the correspondence in May, June to July, 1893.
(2) Correspondence relative to Chief Khama's letter to Assistant Commissioner, Palapye, dated 3rd October, 1902, the Acting Assistant Commissioner's letter (Palapye) dated 8th October, 1902, to H. U. Moffat on Khama's complaint re "Cattle posts"—this correspondence Tshekedi said could be traced up to 1916.
(3) Correspondence relative to Chief Khama's letter of the 2nd July, 1903, addressed to the Assistant Commissioner, Francistown.
(4) Chief Sekgoma's correspondence with the Government on the determination of the concession.
(5) Any correspondence between the Government and the Company on behalf of Chief Sekgoma, 1923-1925 or after.

3. The work of searching the records of this Office has involved a good deal of labour and owing to the meagre information supplied by the acting Chief it has

* No. 58. † No. 65 in African (South) No. 454. ‡ No. 42 in African No. 441.

not yet been possible to trace all the documents he wishes to obtain, and it seems uncertain whether some of them are in fact among the archives of this Office.

4. As regards (1) I attach hereto a file of the relevant correspondence relating to the signature of the Agreement of 1893 by Khama and the representative of the Company. This file, which may be forwarded to Tshekedi, includes correspondence which passed between the Reverend J. S. Moffat and the High Commissioner. Tshekedi will see from the High Commissioner's telegrams to Mr. J. S. Moffat of the 17th and the 21st July, 1893, that Lord Loch only became aware at the time when the first of these telegrams was despatched that the Agreement was about to be concluded between Khama and the representative of the Company.

5. As regards (2) and (3) it has not yet been possible to trace a copy of Khama's letter dated the 3rd October, 1902, to the Assistant Commissioner, Palapye, or the Acting Assistant Commissioner's letter, dated the 8th October, 1902, to Mr. H. U. Moffat or relevant correspondence respecting Khama's complaint as to cattle posts. Nor has it been possible to trace Khama's letter of the 2nd July, 1903, to the Assistant Commissioner at Francistown. I have to request that you will cause a search to be made among the Protectorate records in order to ascertain whether a copy of these documents or any relevant papers can be found, in which case I should be obliged if you would forward a copy of them and any relevant papers for my perusal in order that I may consider whether they may be supplied to Tshekedi.

6. As regards the reference to correspondence with Khama in July, 1903, you will no doubt be able to refer to the late Sir Ralph Williams's Confidential despatch to the High Commissioner of the 3rd August, 1903, with which was enclosed a copy of a telegram dated the 27th July, 1903, from the Assistant Commissioner, Francistown, to Khama and of the Chief's reply.* I attach a copy of these telegrams which have already been furnished to Tshekedi, but it seems evident that this is not the correspondence in 1903 to which he refers.

7. As regards (4) and (5) there would be no objection to your supplying Tshekedi with a copy of any letter which was addressed to Sekgoma when Mr. Feetham's opinion† of the 16th March, 1923, was communicated to him and also with a copy of Sekgoma's letter of the 5th April, 1923, to the Resident Commissioner (see Sir James Macgregor's despatch No. 121 of the 10th May, 1923).‡ In forwarding these documents to Tshekedi you should say that the Secretary of State informed the Company of the late Chief Sekgoma's desire that the concession granted to the Company by Khama should be cancelled, but that as Tshekedi has already been informed, the Company had also taken advice on the proposal which was to the effect that the Chief was not entitled to take such a course.

I have, &c.,
HUGH J. TWEEDIE,
High Commissioner.

His Honour
The Resident Commissioner
of the Bechuanaland Protectorate.

Hostel,
72, Keerom Street,
27th February, 1930.

MY FRIEND,

The Mineral Concession.

WITH reference to both our short talk yesterday in your Office, and your letter of the 26th February, 1930, addressed to Mr. Buchanan which was a reply to Mr. Buchanan's letter of the same date. The correspondence I want to know is—any correspondence relative to Chief Khama's letter of the 2nd July, 1903, addressed to the Assistant Commissioner, Francistown, correspondence relative to Chief Khama's letter to the Assistant Commissioner, Palapye, dated 3rd October, 1902, the Acting Assistant Commissioner's letter (Palapye), dated 8th October, 1902, to H. U. Moffat on Khama's complaint *re* "Cattle Posts," this correspondence can be traced right up to 1916. Also needed, Chief Sekgoma's correspondence with the Government on the determination of the Concession and any correspondence between the Government and the Company on behalf of the Chief Sekgoma—1923-1925 or after. And correspondence to and on behalf of the Chief Khama in 1893 or before, between Chief Khama, Mr. John Smith Moffat, the High Commissioner, and the Company, especially the correspondence in May, June to July, 1893.

---

* Enclosure in No. 334 in African (South) No. 717. † Enclosure in No. 8 in Dominions (South African) No. 2. ‡ Enclosure in No. 13 in Dominions (South African) No. 2.

The Imperial Secretary will observe that these correspondence have been asked for by the Mr. Buchanan (whom the Imperial Secretary is well aware has been acting on my behalf together with Rev. Jennings, in this matter) as far back as 22nd February, 1929, 27th March, 1929, and lately in paragraph (*c*) of a letter to His Excellency the High Commissioner dated 20th February, 1930, and signed Buchanan and Jennings.

With greetings,
Your Friend,
TSHEKEDI KHAMA.

The Imperial Secretary,
High Commissioner's Office,
Cape Town.

Correspondence with reference to the grant of a Mineral Concession by the late Chief Khama to the British South Africa Company :—

17th July, 1893.	Telegram from High Commissioner to the Rev. J. S. Moffat, Palapye.
18th ,, ,,	Telegram from the Assistant Commissioner, Palapye, to the High Commissioner.
20th ,, ,,	Ditto.
20th ,, ,,	Letter (with enclosed telegrams) from Dr. F. Rutherfoord Harris to Sir Graham Bower (Imperial Secretary).*
21st ,, ,,	Telegram from the High Commissioner to the Rev. J. S. Moffat, Palapye.
22nd ,, ,,	Telegram from Assistant Commissioner, Palapye, to the High Commissioner.
24th ,, ,,	Ditto.
25th ,, ,,	Telegram from the High Commissioner to the Secretary of State.†
26th ,, ,,	Despatch No. 287 from the High Commissioner to the Secretary of State.‡
26th ,, ,,	Letter from the Rev. J. S. Moffat, Assistant Commissioner, Palapye, to the High Commissioner.
12th August, 1893.	Letter No. 522 from the British South Africa Company, Cape Town, to the Imperial Secretary.§
28th ,, ,,	Despatch No. 355 from the High Commissioner to the Secretary of State.‖
23rd November, 1893.	Despatch No. 275 from the Secretary of State to the High Commissioner.¶
18th December, 1893.	Letter from the Imperial Secretary to the British South Africa Company, Cape Town.
23rd ,, ,,	Despatch No. 386 from the High Commissioner to Sir Sidney Shippard.

High Commissioner's Office,
Cape Town,
March, 1931.

From :—High Commissioner.
To :—Rev. J. S. Moffat, Palapye.

17th July, 1893. Has Khama been in communication with you in respect of any proposals submitted to him by Mr. Gifford?

From :—Assistant Commissioner, Palapye.
To :—High Commissioner, Cape Town.

Palapye, 18th July, 1893. Khama consulted me about Gifford's proposals and I strongly advise him to accept them and I understood him to be willing to do so with slight modification.

---

* Enclosure in No. 32 in African (South) No. 454. † No. 11 in African (South) No. 454.
‡ No. 32 in African (South) No. 454. § Enclosure in No. 65 in African (South) No. 454.
‖ No. 65 in African (South) No. 454. ¶ Nos. 74 and 75 in African (South) No. 459.

From:—Assistant Commissioner, Palapye.
To:—High Commissioner, Cape Town.

Palapye 20th July, 1893. Yours yesterday. I did not send terms of proposed agreement supposing you had been duly informed in Cape Town. I will take steps for this to be done. Feeling hardly justified in sending them over the wire myself the concession requested is simply for mining rights anywhere in Khama's country.

From:—High Commissioner.
To:—Rev. J. S. Moffat, Palapye.

21st July, 1893. Yours of yesterday *re* proposed agreement between Khama and Mr. Gifford. I have now been supplied by British South Africa Company with a copy of the proposed agreement. It appears to me to be a fair and equitable one and one that Khama might accept with the amendments I understand he suggested. Do you consider the agreement is intended by Khama to extend over the Shashi Macloutsie Territory? I wish always to be kept informed of questions submitted to you by Khama and I only incidentally learn of this agreement through a stranger. Do not be afraid of using the wire.

From:—Assistant Commissioner, Palapye.
To:—High Commissioner, Cape Town.

Palapye. 22nd July, 1893. Yours yesterday. Khama will certainly look upon agreement with Gifford as extending to disputed territory. I did not raise the question seeing that it is involved in our own negotiations with him.

From:—Assistant Commissioner, Palapye.
To:—High Commissioner, Cape Town.

Palapye. 24th July, 1893. With reference to yours 21st agreement between Khama and Gifford ready for signature and accepted by Khama in form seen by you.

From:—Imperial Secretary to British South Africa Company,
Cape Town, 18th December, 1893.

SIR,

With reference to your letter No. 522 of the 12th August last, I am directed by His Excellency the High Commissioner to enclose for your information a despatch which he has received from the Secretary of State covering a copy of a letter addressed to the British South Africa Company when ratifying the Mineral Concession granted by the Chief Khama.

The Secretary,
British South Africa Company.

From the High Commissioner to Sir Sidney Shippard,
23rd December, 1893.

(No. 586.)

SIR,

I have the honour to enclose for your information and for communication to Mr. Moffat copies of a correspondence which has taken place with the Secretary of State relative to a Mineral Concession granted by the Chief Khama to the British South Africa Company

His Honour
Sir Sidney Shippard.

47

20285/10.

No. 62.

DESPATCH
from
HIGH COMMISSIONER, SOUTH AFRICA.
(Received 27th April, 1931.)

(Bechuanaland Protectorate.)
(No. 206.)

High Commissioner's Office,
Cape Town, 10th April, 1931.

SIR,

WITH reference to Vice-Admiral Tweedie's despatch No. 163 of the 20th March,* I have the honour to enclose, for your information, a copy of a despatch No. 382/14, from the Resident Commissioner, Mafeking, dated 28th March, 1931, and of a despatch No. 556 to the Resident Commissioner dated 10th April, 1931, on the subject of correspondence relating to the Mineral Concession granted to the British South Africa Company by Chief Khama in 1893.

I have, &c.,
H. J. STANLEY,
High Commissioner.

Enclosure 1 in No. 62.

(No. 382/14.)

Resident Commissioner's Office, Mafeking, 28th March, 1931.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's despatch No. 420 of the 13th March regarding the matter of the Mineral Concession granted to the British South Africa Company by Chief Khama in 1893.

2. I have forwarded to Chief Tshekedi (through the Resident Magistrate) a copy of the correspondence which you considered might be communicated to him under cover of a letter worded in the sense of your directions.

3. Although a search has been diligently executed to secure the correspondence mentioned in paragraph 5 of your Excellency's despatch, I regret that none of the papers can be found.

I have, &c.,
C. L. O'B. DUTTON
(*for* Resident Commissioner).

His Excellency
The High Commissioner
Cape Town.

Enclosure 2 in No. 62.

(Bechuanaland Protectorate.)
(No. 556.)

High Commissioner's Office, Cape Town, 10th April, 1931.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch No. 382/14 of the 28th March regarding the matter of the Mineral Concession granted to the British South Africa Company by Chief Khama in 1893.

With reference to the last paragraph of your despatch, I assume that Tshekedi has been informed that it has not been possible to trace the other correspondence for which he has asked, but that if he is able to supply any further information or a copy of any relevant documents a further search will be made.

I have, &c.,
H. J. STANLEY,
High Commissioner.

His Honour
The Resident Commissioner
of the Bechuanaland Protectorate.

---

* No. 61.

20285/11.

No. 63.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 3.34 p.m., 28th April, 1931.)

[*Answered by No. 65.*]

No. 53. 28TH APRIL. After consultation with the Resident Commissioner, Bechuanaland Protectorate, I have invited Acting Chief Tshekedi to come and see me in Cape Town about 12th May with a view mainly to removing a misunderstanding between him and Colonel Rey, which, if allowed to develop, may seriously hamper the work of the Administration.

I propose to avail myself of this opportunity to reopen discussion of mining questions with Tshekedi. You will recollect that he has given the Company twelve months' notice of his intention to terminate Khama Concession as from 1st January, and in view of the Company's refusal to accept this notice it is probable that both parties will become involved in litigation unless an accommodation can be reached.

I have some reason to believe that neither the Company nor the Chief wishes to have recourse to the Courts, and in view of serious unrest of the Tribe which has resulted from Ratshosa lawsuits I am very anxious to secure a settlement by agreement without, however, applying any pressure to the Chief.

When the Chief first came to Cape Town he informed the Imperial Secretary that he would have no objection to mining in his Reserve if Crown Land north of Botletle which "Khama surrendered to the British Government" could be returned to the Tribe. In reply he was informed that the High Commissioner could not entertain this proposal, and although the High Commissioner was anxious to assist him to secure a better Agreement with the Company, and would even make material concession to this end, the Government did not feel under any obligation to make substantial sacrifice of land to effect settlement of a dispute to which it was not a party. Subsequently the High Commissioner offered as a contribution to the proposed settlement to allow the Tribe to graze their cattle in Crown Area, subject to six months' notice if the land was required by the Administration, and on the understanding that the Company would transfer to the Tribe certain land in Tuli Block giving access to the Limpopo River.

In the course of an interview, Mr. Jennings recently informed the Resident Commissioner that he thought the Chief would accept the revised Agreement if certain lands which his Tribe occupied in Crown Land north of Botletle, and which are at present being grazed by their cattle, could be surrendered to them in the event of mining taking place in that part of the Reserve lying between Shashi and Macloutsie River. I have gathered a similar impression from Advocate Buchanan in the course of private conversation, though neither he nor Jennings appears to have any clear idea of the quantity of land involved.

Provided the existing natural boundaries between the Bamangwato Reserve and Crown Land are not seriously disturbed I think we would be well advised to agree to surrender in above-mentioned event a limited amount of Crown Land in order to facilitate settlement of this troublesome dispute, which is having a very unfortunate effect on both Europeans and natives. If you approve I should like to be able to offer Tshekedi the land lying between the Meitingwe and Nata Rivers which is reported to contain excellent grazing and is well watered, and land lying west of Rakops between southern edge of Makarikari Salt Lakes and the Botletle River. The former area is not considerable, and from the meagre records available would appear to be comprised within an isosceles triangle with a 30-mile base, while the latter which is interspersed pan and contains some ploughed lands coveted by the Tribe might average 40 miles long by 20 miles wide. The country north of Rakops and east of the Botletle River must be retained, as it is anticipated that it would be essential in the event of railway to Walvis Bay being constructed.

I would propose to endeavour to induce the British South Africa Company to compensate the Government in respect of their land by a substantial cash payment, but even if I should not succeed in this, I should still desire to be at liberty to let the

48

Tribe have the land, as I attach very much greater importance to an amicable settlement of the dispute than to the value of the land. In context I would refer to the attitude adopted by Lord Passfield towards the end of his interview with the Chief on 1st April, 1930.* Shall be grateful for earliest possible reply.—STANLEY.

20285/12.

No. 64.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 2.5 p.m., 8th May, 1931.)

No. 59. 8TH MAY. My telegram of the 28th April No. 53.† Anxious for reply as Tshekedi's interview with me definitely fixed for the 12th May. In the telegram under reference land proposed to be ceded between Makarikari Lake and Botletle River should have been described as lying east instead of west of Rakops. This would enable strip north of Rakops and east of Botletle to be excluded as contemplated. If Chief should press for inclusion of whole of Makarikari Lake, I should see no objection subject to reservation to Crown of all minerals including salt and phosphate, and I hope you would leave me free hand as to this. In view of your despatch of 24th November, 1913, Confidential,‡ it would appear that preferential right of British South Africa Company over Crown Lands need not be taken into consideration.

You may be interested to learn that the Resident Commissioner has informed me privately that in the course of water boring operations near Palapye Road drill passed at a depth of 228 feet through about 70 feet of coal measure which he thinks may be of good quality. This does not affect my attitude in desiring to facilitate amicable settlement between British South Africa Company and the Chief.—STANLEY.

20285/11.

No. 65.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 11.55 a.m., 12th May, 1931.)

[*Answered by No. 67.*]

No. 56. YOUR telegram 28th April, No. 53.† I concur generally. In view, however, of the importance of avoiding any suggestion that we are attempting to bring pressure upon Tshekedi to agree to mining, I consider it very desirable not only that adequate payment should be made by the Company for any Crown land granted to the Tribe, but also that, if possible, the initiative for resumption of negotiations on this basis should come from the Chief himself, and I hope that you may be able to secure both these points.—THOMAS.

10141/91.

No. 66.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 18th May, 1931.)

(Bechuanaland Protectorate.)
(No. 248.)

SIR, High Commissioner's Office, Cape Town, 30th April, 1931.

I HAVE the honour to acknowledge the receipt of your despatch No. 58 of the 9th February§ forwarding for my consideration the observations of the Dominions

* *See* No. 30. † No. 53. ‡ No. 36 in African No. 1003. § No. 60.

Office and the Imperial Institute Committee on the draft Mining Proclamation for the Bechuanaland Protectorate.

2. Before proceeding to deal with these observations, I desire to report that the Imperial Secretary informs me that in the course of his discussions with the Chief Tshekedi, the latter objected to the definitions in the Proclamation of the terms "occupier" and "owner" on the grounds that they transferred, to the Resident Commissioner, rights in regard to the lands and minerals which really belonged to the Chief. The Imperial Secretary explained that these definitions were not of general application but referred only to the sense in which these terms were used in this particular proclamation, *i.e.*, in regard to prospecting and mining, and would not be regarded by any court as affecting the chief's "dominion" over the land or his ownership of minerals not actually ceded to other parties. It was explained to the Chief that a Proclamation dated 10th June, 1891—Section 45—had already been issued requiring that the approval of the Secretary of State be obtained before any mineral or other concession granted by a native chief could be recognized, and that under this authority the Chief of the Batawana had not been allowed to renew the Moremi Concession which had been granted to the British South Africa Company. The Imperial Secretary explained that, in the interests of the natives, it was necessary for the Government to take power to prevent a chief from disposing of tribal assets for inadequate compensation, or from entering into inequitable or undesirable engagements with companies or individuals either from ignorance or for personal gain. The Chief was informed that although no deviation from the principle involved could be contemplated, the High Commissioner would give the Chief's representations careful consideration with a view to meeting his objections as far as possible.

3. I have, therefore, decided to make the following amendments to the Proclamation:—

Section 2 (*g*).—At the end of the sub-section add "For the purposes of this Proclamation the owner or occupier of Crown Land shall be deemed to be the High Commissioner."

Section 2 (*p*).—Delete from the word "Reserves" to the end of the sub-section and substitute "shall mean the Chief and his tribe subject to the approval of the High Commissioner in the case of any consent given or withheld under this Proclamation."

Section 2 (*r*).—Delete from the word "Reserves" to the end of the sub-section and substitute "means the Chief and his tribe subject to the approval of the High Commissioner in the case of any alienation or consent given or withheld under this Proclamation."

4. The amendments should meet the difficulties raised by the Chief and in any case represent the maximum relaxation of control to which the Administration could agree. As the section stood before amendment, the authority to negotiate with an individual or company wishing to acquire mineral rights in a native reserve was vested in the Resident Commissioner.

5. The effect of the changes that have been made is threefold:—

(*a*) It is explicitly recognized in the proclamation that dominion in the land in Native Reserves resides in the Chief and the tribe, and that except so far as mineral rights may have been ceded by concession to other parties, the Chief and his tribe are the recognized owners of both the surface and mineral rights in their reserve.

(*b*) The High Commissioner supersedes the Resident Commissioner as the approving authority. This is desirable for administrative purposes, and from the political point of view it is conceivable that the supervision of the Imperial High Commissioner might be retained after the post of Resident Commissioner had disappeared.

(*c*) The stipulation that alienation and consent given or withheld by the Chief is subject to the approval of the High Commissioner protects the tribe against a dishonest chief or an unscrupulous concessionaire, and where the mineral rights have been alienated by the tribe, the owner of those rights is protected from frivolous or unreasonable obstruction in the exercise of his rights.

6. To ensure this, consequential amendments were necessary to Section 10, which now commences "without the written consent of the owner or the High Commissioner as the case may be no person shall be entitled, &c."

7. In Sub-section 10 (*b*) I have decided to omit the words "within thirty miles of the town of Serowe," as this reservation is of special as opposed to general application and, if included at all, should appear in the deed of cession. The power to reserve special areas has been transferred from the Resident to the High Commissioner.

8. Sub-section (*c*). For the word "building" substitute the wider term "public" and delete the word "pan," since there is no purpose in prohibiting prospecting over perennially dry pans which are very numerous in the Protectorate.

9. Sub-section (*d*). Omit the last sentence. This amendment in consequential.

10. I now propose to consider the amendments suggested by the Legal Committee of the Imperial Institute and will first deal with those set out in the buff paper enclosed in the Director's letter of the 30th July, 1930.*

11. The Imperial Secretary informs me that he understood from Mr. Green's remarks at the Institute Committee Meeting that the Colonial Office applied a restricted meaning to the word "minerals." In the discussions with the Chief, the company and my legal and mining adviser, the South African meaning of the word, which is comprehensive, has been adopted except that the Company agreed to the exclusion of oil shale, which is a valuable mineral, and also to the exclusion of what may be described as general utility minerals such as stone, clay, sand, &c. The revised definition of the term "mineral" recommended by the Legal Committee goes much further than the one already accepted by the Company, but, provided I am able to obtain the Company's consent without provoking demands for a *quid pro quo*, I will do my best to meet the views of the Committee. The reservation of salt should not give serious trouble as the only valuable salt deposit in the Protectorate is the great Makarikari Salt Lake which lies wholly in Crown Land. Limestone, which might be needed if the Company engaged in the manufacture of cement, and phosphates, seem to be the only reservations likely to present difficulties.

12 I have amended the draft accordingly so far as the definition of "minerals" is concerned, but I see no useful purpose in the proposed consequential amendment to Section 29 (1), since the addition of the words "for substances the right to mine which has been acquired under the said concession" would return to the concessionaire the right to mine for oil shale, salt, &c., which right is accorded in the deed of cession but has been voluntarily surrendered in the course of the negotiations and excluded from the definition of "minerals." It seems to me, therefore, that the amendments to Section 2 (1) and 29 (1) proposed by the Committee are in conflict.

13. The Legal Committee seems to be under some misapprehension regarding the surface owners' claim for compensation under Roman Dutch Law for damage done to the surface by subsidence or otherwise resulting from the mining. I am advised that the owner of the surface rights has no such claim, and that it would be impractical to make provision in the Proclamation requiring the miner to restore the surface to its original condition; for example, the cost of filling in the excavations or removing the surface dumps of the Rand Gold Mines would probably exceed the cost of extracting the ore and render gold mining unprofitable. The attitude taken up in South Africa is that when real mining takes place the value of the limited amount of surface destroyed is neglible compared with the value of the ore extracted, and that when selling his mineral rights or buying land ex mineral rights the operator must take into consideration the possible disturbance of the surface likely to result from mining, and has no claim, under the Common Law of the country, to compensation.

14. The proposal that the prospector should be required to fill in all excavations made in the course of prospecting is equally objectionable. Prospecting operations would be paralysed by all manner of complaints from surface owners and the Mining Commissioner's existence would be rendered intolerable. The Protectorate is not in a financial position to provide the machinery including boards of appeal, inspectors, &c., to enforce such a provision in this vast and inaccessible Territory, and experience in South Africa has shown that such safeguards are unnecessary.

15. In the circumstances I regret that I cannot support the proposed amendments to Sections 60 and 70. I would, however, draw your attention to the provisions for compensation to be paid to the Bamangwato under the revised draft Concession in respect of damage done to their cattle posts due to prospecting or mining.

16. I will now turn to the amendments suggested by the Legal Committee in the memorandum enclosed in the Director's letter of the 31st October.†

---

* No. 48. † No. 51.

17. " Mining Right " is the correct term. The expression " holder of the mining rights " in Section 6 (3) was a misprint and should have read " holder of the mineral rights," see Section 36. The word " owner " should be substituted for the expression " holder of the mining rights " in Section 6 (3).

18. " Occupier." The words " actually using " are necessary in order to safeguard the interests of a native to whom a particular cattle post has been assigned by the chief. Such a native would normally be the person most concerned if a prospector wished to dig trenches in his cultivated lands, and his written consent or that of his chief would have to be obtained before prospecting could be undertaken in the localities mentioned in Section 10 (*d*). As natives do not enjoy rights of occupation by virtue of any grant or agreement, the inclusion of the amendment suggested by the Legal Committee would be undesirable.

19. " Private Land." The word " unalienated " is not necessary so far as the surface is concerned since Crown Land ceases to be Crown Land once it is alienated. The insertion of the word " unalienated " in this instance would be objectionable since it will be the policy of the Government, when selling the surface rights of Crown Lands, to retain the mineral rights and to work them or dispose of them in accordance with Part IV of the Proclamation. The insertion of the word " unalienated " before the words " Crown Land " in Section 2 (*r*) as proposed could only be justified if a purchaser of Crown Land acquired through the transaction the mining as well as the surface rights.

20. *Section* 7 (2). In a native territory it is necessary for the Administration to possess the right to cancel prospecting permits in order to prevent undesirable persons from operating or residing in the Native Reserves. This right exists in the Swaziland Law and has led to no difficulty. It is generally recognized that it would only be exercised for the purpose for which it is intended. If the Government were deprived of the right to cancel prospecting permits held by undesirables, the High Commissioner would have to have recourse to the general power to remove undesirables conferred by Proclamation No. 15 of 1907, which would be a much more cumbersome method, and one which is only exercised when other expedients, *e.g.*, the cancellation of a prospecting permit, fail to secure the removal of persons suspected of offences, such as illicit liquor selling to natives, which are difficult to prove. The British South Africa Company withdrew their objections to this Section when it was explained to them.

21. *Section* 9 (2). I agree with the views expressed by the Legal Committee and have amended the Section by deleting the words " as soon after pegging as is reasonably possible and a " and substituting the words " within thirty days after pegging or within such further period not exceeding sixty days as the Mining Commissioner may in special circumstances allow. A, &c."

As a consequential admendment delete the words " and of application for claim licences " in Sub-section 9 (3).

22. *Section* 10. Certain amendments to this section have been referred to in the beginning of this despatch. The suggestions of the Committee, which are very reasonable, have been provided for.

23. *Section* 11 (2). This section might be amended by adding after the word " spent " the words " during the period in respect of which a refund is claimed " and by adding the words " per month " after the words " pounds." In operation, this section would not necessarily involve any actual monetary transaction once the first claim licence fee had been paid. For example, a claim holder takes out claim licences for a period of six months and pays the fees in advance. At the end of the six months he satisfies the Mining Commissioner that he has incurred, in developing his claims, the prescribed expenditure over a period of three out of the six months and claims a refund of licence fees in respect of those three months. The Mining Commissioner would then issue to him free of charge a licence to work his claims for a further period of three months. Nominally, the fees are refunded by the Mining Commissioner and paid again by the claim holder, but in actual practice the transaction is nothing more than a book entry which would have to be made in the normal course of issuing a claim licence. The system works satisfactorily in the Transvaal.

24. *Section* 12. The Transvaal Law, from which this section is taken limits the holder of a prospecting permit to 50 claims, but this provision has not operated so as

50

to preclude extensive amalgamations. I propose to leave the section as it stands but to add the following sub-section to *Section* 14, namely :—

" (7) In the case of an amalgamation of blocks of claims only the external beacons need be maintained in the manner prescribed in this section."

25. *Section* 18. This is a good suggestion. Amend Sub-section 18 (5) by substituting the words " seven days " for the words " forty-eight hours."

26. *Note on Part II.* Section 20, which is taken from the Transvaal Law, is held in this country to give indefeasible title and would be so interpreted in the Bechuanaland Protectorate. It is true that, unlike the Northern Rhodesian Law, claims held under special registration are subject to forfeiture on failure to pay licence fees, but twelve months' arrears are allowed and the Mining Commissioner is then required to give a further six months' written notice that the fees are overdue, *i.e.*, a total of eighteen months' arrears is allowed. It is felt that a holder of claims who becomes eighteen months in arrears and ignores the Mining Commissioner's notice deserves to forfeit his claims. Section 28 (2) of the Northern Rhodesian Law has the defect, which in the case of the Protectorate might constitute a serious burden on the mining officials, of placing the onus of recovering claim licence fees on the Administration, whereas under the Protectorate Law the menace of forfeiture will obviate the necessity for having recourse to the ordinary process in order to recover overdue revenue.

27. *Note on Part II.* The objections raised in this note appear to be answered by the above observations on Sections 12 and 18. Provision is made for Crown Grants in Section 35, and it is contemplated that this system will be employed in respect of Crown Lands, as it is generally agreed that scientific prospecting by trained geologists over large areas has superseded the old system of individual prospecting, and is an improvement on that system which frequently operated to the detriment of native interests. It is anticipated that modern methods will be adopted by the companies in the mineral concession areas which, together with the Crown Lands, comprise nearly all the Protectorate.

28. *Section* 34. If the Courts upheld the view that the Khama Concession is an indeterminate concession, then the Bamangwato Chief and his people no longer own the minerals in their Reserve since they would be regarded as having been granted for all time to the British South Africa Company subject to the payment of the prescribed sums. But this very condition gives the Tribe what might be described as a residuary title to the minerals, and in arranging by agreement with the British South Africa Company for the termination of the concession twenty-five years after the application of the law to the area affected, it was thought that this residuary title was sufficient reason for providing that the mineral rights should revert to the tribe at the end of the agreed period of twenty-five years. I am satisfied that Section 34 (2) provides adequately for the reversion of the mineral rights to the original granters of the concessions, *i.e.*, the Chiefs. There is, however, nothing to prevent a chief who recovers his mineral rights at the expiration of a concession from making a new concession, and if it is thought that Section 34 (1) prohibits the revival of expired concessions, the section can always be amended in the light of the experience gained during the next twenty-five years, but I should prefer to leave it as it stands for the present. In view of the curtailment of the life of the concessions and the desirability of reaching an understanding with the concessionaires so as to eliminate objectionable features from the concessions by agreement, I think it advisable to recognise the rights of the concessionaires to all minerals other than those reserved in Section 2 (1). The other difficulties then fall away.

29. *Part V.* There has been some clerical confusion in regard to the use of the terms " mining rights," " mining right," and " mineral rights." The incorrect use of the term " mining rights " in Section 6 (3) has been rectified. The term " mineral rights " used in Section 36 is correct, but the last two words in Section 38 should be " mineral rights." The necessary corrections will be made in the Proclamation.

30. It is assumed that the power to enter private property and acquire easements over such property mentioned on page 5 refers to access to areas thrown open to prospecting and the erection of power lines, water pipes, &c. A Proclamation which enables the High Commissioner to proclaim roads throughout the Protectorate is already in force and it is felt that any further provision of easements can be left over until the occasion arises, and thus postpone for the present the necessity for making provision for boards, &c., to adjudicate on claims for compensation in respect of the erection of power lines and similar easements. (See also the powers given to the

Resident Commissioner under the Proclamations referred to in Section 2 (*g*) of the draft Proclamation.)

31. As Clause 2 of the Khama Concession specifically mentions that the British South Africa Company has the right to " search for, work and win precious stones, gold, silver, platinum, copper ore and all other minerals " there can be no question of reserving the Royal metals as part of the Royal prerogative in so far as the area affected by this concession (which at the time included the Tuli Block) is concerned. Section 6 of Proclamation No. 2 of 1911 vests in the Tati Concessions Limited " all minerals and precious stones under the land in the Tati District." No specific mention is here made of gold, silver or Royal metals, but the Company's right to the gold which it has won from its gold mines in the District has never been disputed, though it is probable that they acquired separate title to these metals through the Lobengula Concession. In any case it would seem that the Crown considered that the term " all minerals " included, for the purposes of Proclamation No. 2 of 1911, Royal metals. It would appear, therefore, that the point referred to by the Committee in regard to the ownership of Royal metals does not arise in the Bechuanaland Protectorate because in the Crown Lands the minerals are still owned by the Crown, while the minerals in the Native Reserves, which prior to 1893 included all private land in existence to-day, belonged to the Chiefs and not to the Crown. Even if there were portions of the Lobatsi and Gaberones Blocks where the minerals were not ceded by the Chiefs prior to the assumption of the surface by the Crown, the area involved is too small to warrant a distinction being drawn between gold and silver and other metals.

32. *Section* 41. Delete the word " special " in Sub-section (1) which was inserted in error. The position in South Africa, and that contemplated under the draft Proclamation, is that the discoverer of a diamond pipe who pegs as claims the land on which the pipe occurs owns the pipe. He has to pay, as in the case of the Premier Mine, a substantial percentage of his profits to the State, in this case fifty per cent. The term " cost " is used in Sub-section (2) to describe all expenditure, including capital expenditure, which is disbursed in the course of the financial year for buildings, plant, working costs, labour, &c., and all such outgoings may be deducted from profits so that the State would receive no income from the mine until all capital expenditure had been paid off. This would probably result in the State receiving nothing during the opening years, but subsequently its share of the profits would rise *pro tanto*. My Mining Adviser, to whom the Committee's comments on this sub-section were referred, is considering whether the sub-section needs redrafting. In any event the term " Capital cost " will probably be changed to " Capital expenditure."

33. The European Advisory Council pressed for a clause providing for discoverers' rights, but my Mining Adviser is unable to accept the suggestion. The mineral rights are largely owned by concessionaires who will wish to prospect their own land, and in the event of an independent person making a valuable discovery he must, it is felt, be left to make his own bargain with the owner of the mineral rights as a condition of disclosing the locality and nature of the discovery he has made.

34. *Section* 44 (3). The recommendation in regard to water is accepted. Add after the word " use " the words " or prospecting purposes." Although a prospecting licence determines after twelve months, new permits extending over any number of successive periods of twelve months can be taken out annually. The rights of a prospector to the use of water and timber are considered to be amply circumscribed in regard to Native Reserves by the proviso to Section 44 and by Section 53. In regard to private land Sub-section (*c*) of Section 44 provides a tariff for water and timber.

35. *Section* 45 (*b*). The above comments in regard to Section 44 apply here.

36. *Sub-section* 51 (1). The justice of this criticism is admitted. For the words " five shillings " substitute the words " one shilling."

37. *Section* 54. I am advised that so far as Bechuanaland is concerned the clause is adequate.

38. *Sections* 28 (6) *and* 67. The offences are not comparable. The returns under 28 (6) deal with royalties and are, therefore, very important. The returns required by 67 are mainly for statistical purposes and are not nearly so important.

39. *Third Schedule*. The term " gross value " appearing in line four of Sub-section 2 should read " gross market value." The market values for metals are well known. This clause, which was carefully drafted on the advice of a representative of

51

the Tati Concessions, was especially designed to prevent collusion and is considered adequate.

40. With regard to the amendments suggested by the British South Africa Company in the letter transmitted in your despatch No. 273 of the 2nd July, 1930,* I have the following observations to make :—

41. *Section* 2 (1) 1 (*b*) now *Section* 2 (1) 1 (*d*). Oil and oil shale were expressly excluded as the production of oil, petrol, &c., is usually subject to restrictions regarding the nationality of the Directors and the allocation of the shares of the operating company. The mere exclusion of oil and oil shale from the definition of the word " mineral " in my opinion automatically excludes these substances from the scope of a Mining Proclamation and I do not think it necessary, for the present at any rate, to make special provisions relating to the recovery of oil or oil shale.

42. *Section* 4. The intention, when the Proclamation was first drawn up, was to restrict or terminate, rather than make provision for, mining in Native Reserves. In pursuance of this policy the High Commissioner declined to renew the Moremi Concession, which granted the mineral rights in the Batawana Reserve to the British South Africa Company, when it expired in 1924. As, however, no Chief can grant a mineral concession unless its terms are approved by the High Commissioner, I see no reason why powers should not be taken in the Proclamation for the registration of future concessions that may be granted. To effect this, Sub-section (2) of Section 4 should be renumbered (3) and the following new Sub-section (2) inserted :—

> " (2) If any mineral concession be granted subsequent to the date of the commencement of this Proclamation, application for registration as prescribed in Sub-section (1) of this section shall be made within six months of the date on which the concession was granted."

43. *Section* 19 (8). This is a clerical error and has now been corrected.

44. *Section* 25. The suggested amendments are accepted.

45. *Section* 31. You will observe that the error does not appear in the latest printed draft, which reads " one shilling." I regret I am disinclined to accept the proposal to insert the words " by him or his assignee." Concessions are only issued to reputable persons or companies, who must be held responsible for the obligations they incur. My Mining Adviser does not consider that any serious practical inconvenience will result by leaving the section as it is.

46. *Section* 32. This clause was drafted to reflect the agreement reached between the Imperial Secretary and the representatives of the Company and I am not disposed to alter it without further negotiation. I should be prepared, however, to agree to the request that the word " Bakhatla " be deleted. This is a reasonable request if the concession no longer gives prospecting rights over anything but the selected area. In regard to the other two Reserves mentioned in this Section, it must not be forgotten that the Company need only take out one prospecting permit for the whole of these large areas in respect of which they enjoy exclusive prospecting rights.

47. *Section* 33. The term " Mining Right " refers to mining rights such as those conferred on the holder of a prospecting or claim licence, and should not be confused with the expression " mineral rights " which is not defined in the Proclamation, and is used in the sense of ownership of the mineral rights over an area as opposed to the ownership of the surface rights. The two terms are not synonymous and amendment does not appear necessary. The intention of the Section is to prevent the approved holder of a mineral concession from ceding his right to another person or syndicate whom the High Commissioner might not consider a fit and proper individual or company to hold a mineral concession.

48. *Section* 35 (2). The desired addition has been made.

49. *Section* 46. This section should be amended by the substitution of the word " High " for the word " Resident," and for the word " Natives " of the words " native occupiers of land," and of the substitution for the words " rental to be paid " of the words " compensation to be given." The clause is intended to enable the High Commissioner to award compensation to natives in respect of any permission granted under Section 10 (*d*), or in respect of the excessive use of such ancillary rights as timber and water which in the case of private lands is regulated by Section 44 (*c*).

* No. 47.

The substitution of the term " native occupier " for the word " natives " should protect those engaged in mining from any unreasonable claims or frivolous obstruction to mining operations.

50. *Section* 47 (2). The word " claims " appears in the latest draft.

51 *Section* 48 (1). The proposed amendment is acceptable. Insert after the word " possible " the words " and in any case within a period of thirty-one days."

52. *Section* 79. For the words " any claim holder " substitute the words " the holder of any claim, mineral concession or Crown Grant " and delete the words " or special " and substitute for them the words " mineral concession or Crown." It is reasonable to expect the holders of claims, concessions or grants to " point out " to the Mining Commissioner as accurately as possible the position on the ground of the boundaries of all claims, concessions or grants registered in their name.

53. For your convenience I enclose a copy of the draft Proclamation showing the amendments referred to in this despatch.

54. With regard to the regulations to be issued under Section 110, Sir Robert Kotze, whom I have consulted, considers that it would be better to issue them by notice from time to time as occasion or experience of the operation of the Mining Law may demand. He anticipates that the first few years will be taken up with prospecting, and the real need for elaborate regulations is not likely to make itself felt until extensive boring or mining operations are undertaken. Although it may not be necessary or possible to apply the Proclamation to Crown Lands or the Native Reserves for some time, I should like to be able to promulgate it in the Gazette before the next half-yearly meeting of the European Advisory Council in September without it being considered necessary to await the issue of regulations. The above remarks would also apply to the draft Workmen's Compensation Proclamation which has been held up at the request of the European Advisory Council pending the issue of a Mining Proclamation. In this connexion I may mention, with reference to paragraph 2 of Lord Passfield's despatch of the 10th June, 1930,* that intoxicating liquor cannot be introduced into the Protectorate without a permit, and Section 64, 65, and 66 of the draft Mining Proclamation deal with the registration and payment of native labourers and the introduction of foreign natives into the Protectorate. There are also Sections dealing with the precautions to be taken in the use and storage of explosives and poisonous solutions. You will notice that I have decided to substitute, in Section 65 (1), the High Commissioner for the Resident Commissioner as the authority empowered to prohibit the employment of foreign natives.

I have, &c.,
H. J. STANLEY,
High Commissioner.

20285/13.

No. 67.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 1.3 p.m., 18th May, 1931.)

[*Answered by No.* 68.]

No. 61. 18TH MAY. Your telegram of 12th May, No. 56,† arrived after my first interview with Tshekedi, but I had in fact adopted attitude which you indicate, and had left initiative to him. He referred to relevant portion of his interview with Lord Passfield and raised to me question of possibility of grant of area of Crown Land north of Reserve to compensate Tribe for effect of mining operations within present Reserve. I said that I was not prepared to make an offer as that might be misinterpreted or misrepresented here or in London as an attempt to press, cajole, or bribe him to yield to British South Africa Company. My only interest in the matter was a general desire for peace and goodwill. I was not, and had no intention of becoming, a party to dispute, but subject to this I should of course be glad to be helpful to him if I could. If he wished to make a definite proposal to me and would indicate what area of Crown Land he had in mind, I should be ready to consider whether I could make any recommendation to you. Obviously, your consent would be necessary for

* No. No. 42. † No. 65.

52

any such transaction, and it seemed to me, further, that Government could not reasonably be expected to give away a potentially valuable asset for the sake of a dispute between him and Company. That difficulty, however, might be surmountable if Company were disposed to compensate Government by some more or less equivalent payment in cash or land. I suggested that he might think that matter over and discuss it with his advisers and then, if he liked, speak to me again or write to me about it, but he must understand that I should not be in a position at this stage to give him definite answer. All this took place at private interview between him and me alone after close of more formal interview on other matters in the presence of the Resident Commissioner, Imperial Secretary, and Tshekedi's Secretary.

At his request I saw him again on 13th May, Resident Commissioner, Imperial Secretary, and Secretary being present. I had in the meantime received your telegram. Tshekedi asked for vast area of Crown Land bounded on north by line drawn from intersection of Bamangwato and Batawana Reserves on Botletle River to Rhodesian boundary near latitude 19 degrees. I told him that this was altogether excessive and quite out of the question, and that if nothing less would satisfy him it would be useless to pursue matter further.

His legal adviser, Buchanan, spoke to me informally in the afternoon of the same day, and intimated that Chief would probably be prepared to accept something very much less. I made it clear that I was not making any offer, and that so far as I was concerned the ball was on Chief's side of the net, but that if Tshekedi had anything more to say he could ask for further interview or write.

Tshekedi saw me again privately on 15th May. We discussed possibilities on the lines which I think hold out some prospect of agreement. There should be no difficulty in letting him have square block of land north of Botletle adjoining Batawana Reserve and land between point east of Rakops and south-west point of Lake including fairly large salient between Lake and Botletle and also triangle between Nata and Mitengwe Rivers. He would like to have in addition an area north of Lake and a strip of land along north bank of Nata. I expressed myself very dubious as to these additions. I said, in any event, I could proceed no further in the matter until I had had a rough survey and inspection made of all the areas under discussion as our maps were known to be grossly inaccurate. I promised to have this done as soon as possible, and to give him due warning so that if he desired he could accompany Surveying Officer. I made it clear that if any Crown Lands were given, Crown would reserve mineral rights as otherwise Company might claim them under its concessions.

He left me in very good humour and I am hopeful of possibility of satisfactory settlement.

If you concur I should now like to sound Chaplin as to compensation payable by Company. I doubt whether much would be obtainable in cash, and subject to your approval, I should prefer to obtain from Company cession of land in Gaberones block now occupied by Batlokwa, approximately 20,000 morgen in extent. Batlokwa have no tribal reserves, and occupy land in question during life of Chief Gaberones who is over 90, on payment of nominal rental of £150 per annum. Land is really inadequate area, but Batlokwa are most anxious to retain it on account of ancestral graves and would strongly resent any removal from it. Please let me have your views by telegraph.

Generally, my interviews with Tshekedi were very satisfactory, and good relations between him and Resident Commissioner are restored.—STANLEY.

20285/13.

No. 68.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 4 p.m., 2nd June, 1931.)

[*Answered by No.* 70.]

No. 67. Your telegram No. 61 of 18th May.* I am glad to hear of possibility of satisfactory settlement on lines outlined by you, and I concur in your sounding Chaplin as you propose.

I should have no objection to compensation taking the form of land rather than cash.—THOMAS.

* No. 67.

10141/92.

No. 69.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 7.10 p.m., 12th June, 1931.)

No. 68. 12TH JUNE. My despatch of 30th April, No. 248.* Mining Law, Bechuanaland Protectorate. With reference to paragraph 32 of my despatch, Sub-section (2) of Section 41 has been redrafted as follows:—

Begins:—The Government shall be entitled, in addition to royalties prescribed in Section 43, to one-half of annual realized profits from working of any diamond pipe, and such one-half shall be paid within six months after termination of each year. Realized profits shall be the excess of revenue from the sale of diamonds, over expenditure, including capital expenditure, incurred in working pipe and in production and realization of diamonds. If there is a loss in any one year it shall be carried forward as an addition to expenditure in the following year.—*Ends.*

Following additional verbal emendations have been made:—Section 4 (3): Delete "Sub-section (1)" and substitute "this Section." Section 18 (4): Delete "48 hours" and substitute "7 days," and add at the end of sub-section "or until appointment of some other person as accredited agent or manager has been registered, whichever may be the shorter period." Section 29 (3): Insert after the word "concession" the words "may peg and acquire."

Section 37 (3): Insert after the words "Private land" the words "may peg and acquire." Delete words "under such licence" at the end of sub-section. Section 84 (3): Insert after the word "power(s)" the words "not inconsistent with this Proclamation as may be."

I have no other observations to offer upon draft. I am forwarding by this week's main copies of Memorandum on ownership of surface and mineral rights in Protectorate with explanatory notes on draft Proclamation.—STANLEY.

20285/14.

No. 70.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 2.57 p.m., 13th June, 1931.)

[*Answered by No. 71.*]

No. 69. 13TH JUNE. Your telegram of 2nd June, No. 67.† I spoke to Chaplin, who has consulted Directors of the British South Africa Company and now informs me that they are prepared to make over to the Crown (subject to any existing Mineral Rights) land in Gaberones Block amounting to approximately 20,000 morgen now occupied by Batlokwa, such cession being conditional upon (1) conclusion of agreement with Tshekedi, which will in their opinion enable them to carry on prospecting and mining operations in the Reserve in a satisfactory manner, and (2) on promulgation of Mining Proclamation of which conditions will be not less favourable to the Company or its assignees than those agreed upon in recent negotiations.

I see no objection to retention of mineral rights by the Company more especially as I would propose to reserve to the Crown Mineral Rights in any Crown Lands north of Bamangwato Reserve which we might incorporate in the Reserve.

The two conditions specified above seem to me perfectly reasonable. If Tshekedi fails to come to terms with the Company litigation will proceed and purpose of contemplated transfer of Crown Land will disappear. Regarding Mining Proclamation, please see my telegram of 12th June.‡ I do not suppose amended draft contains anything material to which Company likely to take serious exception, but I will communicate forthwith copy of the amended draft to Chaplin explaining to him that

* No. 66. † No. 68. ‡ No. 69.

it is only in form in which I have submitted it to you and that you may have a further observation to make on it.

I hope to receive as soon as possible your authority to confirm arrangements with Chaplin. I consider compensation to the Crown adequate. Selling value of land in Gaberones Block if saleable at all during present depression could hardly be less than 15 shillings per morgen now and might well rise to £2 or £3 per morgen. Eviction of Batlokwa on the death of aged Chief expected to cause formidable administrative difficulties and provision of suitable land for them elsewhere would not be easy and might prove expensive. Crown Land under consideration north of Reserve, in the absence of Mineral or Railway Development therein or adjacently, is virtually unsaleable at present save possibly to Bamangwato at purely nominal figure. Mining operations on any large scale in the Protectorate would react on public revenue to extent far greater than could be anticipated for eventual sale of these Crown Lands. I do not think equally good bargain could be made with the Company on cash basis and such bargain would not relieve difficulty in regard to Batlokwa. I propose to send Clifford to the Northern Protectorate in July to take conveyance and make rough inspection of Crown Land in question. I would then, when I visit Protectorate in August, endeavour to come to terms with Tshekedi as to area to be added to the Reserve in the event of his effecting such Agreement with the Company as would produce acceptable compensation to the Crown from them. Anxious therefore for very early reply.—STANLEY.

20285/14.

No. 71.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 11.30 a.m., 19th June, 1931.)

No. 70. YOUR telegram 13th June, No. 69.* I agree to your confirming arrangements with Chaplin.—THOMAS.

20285/15.

No. 72.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 3.10 p.m., 19th June, 1931.)

No. 71. 19TH JUNE. My telegram of 13th June No. 69.* Chaplin informs me that he has no objection to offer to amendments which have been made in draft Mining Proclamation.

He has not consulted Board of British South Africa Company but to the best of my belief they are largely guided by his opinion in such matters.—STANLEY.

10141/91.

No. 73.

DOMINIONS OFFICE

to

IMPERIAL INSTITUTE.

[*Answered by No. 75.*]

SIR, Downing Street, 30th June, 1931.

WITH reference to your letter of the 31st October,† I am directed by Mr. Secretary Thomas to transmit to you the accompanying copies of a despatch‡

* No. 70. † No. 51. ‡ No. 66.

and a telegram* from the High Commissioner for South Africa on the subject of the draft Mining Proclamation for the Bechuanaland Protectorate. A copy of the draft Proclamation† in its present form showing the amendments referred to by the High Commissioner is also enclosed and I am to request that it may be returned in due course.

2. It will be seen that the High Commissioner desires to be in a position to promulgate the Proclamation by next September and Mr. Thomas would accordingly be grateful if he could receive any observations which the Legal Committee of the Imperial Institute may desire to offer on the present draft at an early date, since it will probably be necessary to refer to the British South Africa Company also before the draft is approved by the Secretary of State.

I am, &c.,
E. G. MACHTIG.

10141/93.

No. 74.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 30th June, 1931.)

[Answered by No. 76.]

(Bechuanaland Protectorate.)
(No. 322.)

High Commissioner's Office,
Cape Town, 12th June, 1931.

SIR,

WITH reference to my despatch No. 248 of the 30th April‡ and my telegram No. 68 of to-day§ (of which a copy is enclosed) on the subject of the proposed Mining Law for the Bechuanaland Protectorate, I have the honour to transmit herewith a copy of a Memorandum, which has been prepared by the Imperial Secretary, regarding the ownership of surface and mineral rights in the Protectorate and explaining the provisions of the Draft Proclamation.

2. I contemplate that the explanatory portion of this Memorandum should form the basis of the communication to be made to the Native Chiefs when the Draft Proclamation is placed before them with a view to eliciting their observations thereon, and I have under consideration the question of publishing the Draft Proclamation in my Official Gazette together with that part of the Memorandum which explains the provisions and effect of the proposed legislation.

3. I feel sure that you will agree with me in appreciating the lucidity and usefulness of the Memorandum. Captain Clifford has devoted much time to its preparation, and has, in my opinion, handled his material with the thoroughness and ability which has distinguished his previous work on this complicated subject.

4. I should be glad if you would advise me whether you have any further comments to make on the Draft Proclamation in its amended form, and, if it would not be inconvenient, I should be grateful if your reply could be communicated to me by telegraph. I suggest also that a copy of the amended Draft‖ (of which two further copies are enclosed) might be communicated to the British South Africa Company in London. I propose also to hand a copy to Sir Drummond Chaplin here.

5. I hope shortly to be able to forward to you further printed copies of the Draft in which the various amendments will have been embodied.

I have, &c.,
H. J. STANLEY.
High Commissioner.

Enclosure 2 in No. 74.

MEMORANDUM ON THE OWNERSHIP OF SURFACE AND MINERAL RIGHTS IN THE BECHUANALAND PROTECTORATE TOGETHER WITH EXPLANATORY NOTES ON THE DRAFT MINING PROCLAMATION.

OWNERSHIP OF SURFACE RIGHTS IN BECHUANALAND.

1. WHEN Sir Charles Warren visited the principal Bechuanaland Chiefs, Khama, Gaseitsiwe, and Sebele in 1885, the tribes were living in much the same areas as they occupy to-day, though they claimed to exercise a vague sovereignty over more extensive areas, and certain nomad tribes that inhabited the waterless regions of the Kalahari, but they were not in effectual occupation of these regions, and probably rarely visited them except on hunting expeditions. It has been contended, for example, that Bamangwato Territory extended into areas in Southern Rhodesia, which at the time were actually occupied by the Matabele. This uncertainty regarding the limits of tribal areas in Bechuanaland prevailed for some years after 1885, when Sir Charles proclaimed a British Protectorate over the tribes, but in 1891 the limits of this Protectorate were more clearly defined, and in 1895 the principal Chiefs referred to above visited England, and, as a result of negotiations with the British Government, surrendered certain lands along the Transvaal border to the Crown, while the Crown, after consulting the Chiefs, assumed the ownership of other areas not effectually occupied by the tribes. Subsequently the boundaries of the Native Reserves were demarcated in the form in which they exist to-day.

II. It is worth while noting in connexion with the Khama Concession, which in view of the dispute between the Acting Chief Tshekedi and the British South Africa Company is of special importance to-day, that on the 16th of December, 1887, the Chief Khama signed a Concession granting to the Bechuanaland Exploration Company the right to prospect for precious stones and precious and other minerals in his Territory for 5s. per month, with the right subsequently to mine and win such stones and metals in one or more areas not to exceed 20 miles square or 400 square miles, in return for a payment of £1 per annum per square mile in respect of this area, plus a royalty of 2½ per cent. on the gross value of all stones and minerals won.

III. According to Mr. Moffat, Khama seems to have thought that he had only granted the concessionaires the right to prospect for two years, at the expiration of which they were to be allowed to select 400 square miles of ground in which to carry on mining, but the Secretary of State remarked that "in view of the terms of the Concession I have grave doubts as to the correctness of this interpretation." This Concession originally included the area between the Shashi and Macloutsie Rivers, which was known as the "disputed Territory," because it was claimed by both Khama and Lobengula.

IV. The position at the end of 1889, which might be described as the *status quo*, was that the minerals in this area had been ceded by Khama to the Bechuanaland Exploration Company under the Concession mentioned above, and by Lobengula to the British South Africa Company under the Rudd Concession. Khama's claims to the land were further fortified by his people being allowed to maintain certain cattle posts between the two rivers. Had prospectors from either or both concessionaires entered the disputed Territory, the claims of the rival Chiefs to the minerals would have had to be decided one way or another, and since the determination of the ownership of the mineral rights would also decide the ownership of the surface rights, it would follow that if the decision had been given against Khama, his cattle posts would have had to be withdrawn. The British Government was apparently anxious to reach a settlement without precipitating a dispute between either the Chiefs claiming dominion over the disputed Territory or between the various companies that had acquired separate title to the minerals from different sources. Khama seemed content to leave matters as they were, doubtless because he did not wish to give Lobengula cause for offence. Referring to this state of affairs, Moffat reports that Khama, acting on his own interpretation of the Concession with the Bechuanaland Exploration Company, refused to receive further payment in respect of it after the expiration of two years (*i.e.*, after December, 1899), but a dispute between him and the Company appears to have been avoided by the conciliatory attitude of the latter's representatives. Moffat observes that the prospectors had been kept out of the "disputed Territory" for "political reasons"—that is to say, for the reasons stated above. When Tshekedi asserts, as he did in Cape Town, that Khama kept the prospectors out of this area because of the cattle posts there, he misunderstood the real reason. Khama excluded the prospectors because he realized that their presence would lead to a dispute regarding the minerals, and although he might not attach much importance to the loss of the minerals, he was afraid that if the ownership of them were decided against him, he would have to withdraw his cattle posts, and to these latter he attached very great importance. There is, however, some excuse for Tshekedi being misled in regard to the position and for his believing that, in refusing to allow the British South Africa Company to prospect between Shashi and Macloutsie Rivers he was merely carrying on his father's policy.

V. The Secretary of State's view was that a shrewd man like Khama must realize that neither the Bechuanaland Exploration Company nor any other company or

---

* No. 69. † Not reprinted. ‡ No. 66. § No. 69. ‖ Not printed.

individual claiming rights from him only, could operate in the "disputed Territory," and that in the circumstances the best solution would be for Khama to surrender his mineral claims in it to the High Commissioner to be dealt with as the latter thought fit. This suggestion appears to have met with Khama's approval, as in May, 1893, he offered to cede his mineral rights to the High Commissioner. Lord Loch proposed to hand them over to the British South Africa Company who had already acquired, under the Rudd Concession, Lobengula's claims. The Secretary of State was unable to approve of this settlement, because he was afraid it would be disputed by other companies besides the Bechuanaland Exploration Company, who could claim to share with the British South Africa Company in the mining development of the disputed Territory. Meanwhile, in the previous month (2nd April, 1893), without the knowledge of the High Commissioner, the British South Africa Company had bought up the interests of all other companies, and four months later, 25th July, received from Khama a new Concession granting them the mineral rights over all his Territory. This Concession, which transferred the mineral rights of the rival Chiefs to a single company, was subsequently approved by the Secretary of State and the dispute between Khama and Lobengula as to the ownership of the minerals came to an end and subsequently the ownership of the land passed to Khama.

Note:—In a letter dated the 25th of December, 1930, the Acting Chief Tshekedi asked to be supplied with certain correspondence including that which took place between the High Commissioner and Mr. Moffat in May, June and July, 1893, dealing with the question referred to above. All telegrams that could be traced in the Office answering the above description were copied and sent to him. In view of his continual assertions that Khama would not have conceded the rights to minerals in his Territory to the British South Africa Company if he had not been pressed to do so by the British Government, his attention was drawn to the High Commissioner's telegram of 21st July, 1893, from which it was evident that Lord Loch only became aware of the agreement on this date, that is four days before it was signed, although negotiations had been proceeding with Khama for two or three months previously. Tshekedi, however, doubted the *bona fides* of the Government and in reply asserted that it was clear there must have been prior correspondence dealing with this subject because Moffat, when answering the High Commissioner's telegram of 21st July, referred to the Government's "own negotiations" with Khama. Tshekedi assumed that this expression referred to negotiations between the British South Africa Company and the Crown for a mineral Concession, whereas, in point of fact, the reference was to the proposal that Khama's claims to the mineral rights in "disputed Territory" should be ceded to the High Commissioner.

Ownership of the Minerals in the Bechuanaland Protectorate.

1. Originally the Native Chiefs might, and probably did, claim to own all the minerals in Bechuanaland. In the years following the establishment of a British Protectorate, the Chiefs successively succumbed to the advances of a number of concession hunters to whom they ceded the right to search for and win the minerals in the Territory over which they possessed, or claimed to possess, dominion. In some instances the Chiefs granted these concessions without obtaining the consent of the tribe in Kgotla, and in others they contracted monopolistic concessions for a remuneration which was invariably inadequate and usually took the form of a personal payment to the Chief, with the result that the tribe reaped no benefit from the transaction. In March, 1888, in order to protect the interests of the natives, a Government Notice was published in which it was laid down that in future no concessions, which did not comply with certain prescribed conditions, would be recognized as valid, but by 1893 the position in regard to concessions had become so unsatisfactory, that on January the 10th of that year, it was found necessary to issue a Proclamation appointing a Commission to inquire into and report upon alleged land grants and mineral concessions. On the recommendation of this Concession, many of the concessions previously granted were declared invalid, and the approved mineral concessions at present existing appear to be:—

(1) *Bangwaketsi.* Two concessions, dated 13th October, 1887, and 29th March, 1888, originally granted to different parties by Gaseitsiwe, Chief of the Bangwaketsi. The concessions which are in practically similar terms, grant the right to prospect for precious stones and minerals throughout the Chief's territory in consideration of a payment of 5s. per month; and also, in consideration of certain further payments which become payable on selection of a mining area, the right to search

for and win precious stones and minerals in one or more areas not to exceed in the aggregate 400 square miles.

Note:—It appears that a consolidated rental of £120 per annum is being paid in respect of both concessions.

(2) *Bakhatla.* A concession, dated 22nd July, 1898, granted by Linchwe, Chief of the Bakhatla, granting, in consideration of the payment of £100 per annum, the right for a period of five years to prospect for precious stones and minerals throughout the Chief's territory, and further within the period named to mark off for mining operations one or more areas not to exceed in the aggregate 100 square miles. This concession was approved subject to the condition that the areas to be marked off for mining purposes should not exceed four in number nor exceed in the aggregate 100 square miles.

Note:—The five-year period was renewed twice to 22nd July, 1913, and the mining area of 100 square miles was demarcated in 1910.

(3) *Bamangwato.* A concession, dated the 25th July, 1893, granted by Khama, Chief of the Bamangwato, granting, in consideration of the payment of £25 a month on discovery in payable quantities of any gold, precious stones or minerals, the right to prospect for and mine precious stones and minerals throughout the Chief's territory (with certain reservations).

Note:—The Acting Chief Tshekedi has given the British South Africa Company notice of his intention to terminate the concession as from the 31st December, 1931, but the Company has refused to accept the Notice.

(4) *Bakwena.* A concession dated 28th August, 1889, granted by Sechele, Chief of the Bakwena, under which, as modified, the concessionaire was allowed the right, for a period of five years from a date to be fixed, of prospecting for precious stones and precious metals within the Chief's territory, and the right, within the period named, to mark off an area for mining operations not exceeding 10 miles square (100 square miles).

Note:—Since 1902 payment at the rate of £180 per annum has been made in respect of this concession.

2. In 1895, the disposition of the surface and mineral rights set out above was affected by the Crown transferring to the British South Africa Company the ownership of the land along the eastern border of the Protectorate known as the Tuli, Gaberones, and Lobatsi Blocks. Subject to prior dated concessionary rights, the minerals in these areas belong to the British South Africa Company, and have been retained by the Company in respect of those farms that had been sold to European Settlers.

3. The Moremi Concession expired in 1924 and the High Commissioner refused to sanction its renewal. As no further concessions are likely to be made for some time to come, the above position in regard to mineral concessions may be regarded, for the purpose of this memorandum, as final.

4. In considering the area affected by these concessions, it must be remembered that some of them were made in respect of the whole of the land claimed at the time by the tribe concerned, which, prior to the London Settlement between the Secretary of State and the Principal Chiefs, included regions not effectually occupied. In the recent negotiations between Tshekedi and the British South Africa Company, the High Commissioner insisted that the Khama Concession could not be regarded as effective outside the present boundaries of the Bamangwato Reserve and the Tuli Block. This contention is likely to be maintained.

The Draft Mining Proclamation—General Observations.

5. The Protectorate is divided for mining purposes into the following areas:—
   I. (*a*) Crown Land.
      (*b*) Native Reserves not subject to a mineral concession.
   II. The Mineral Concession Areas.
   III. Private Land.

6. The Crown, as the owner of the minerals in Crown Lands, decides whether, and if so in what manner and by whom, the minerals in these areas are to be worked. The High Commissioner may throw Crown Lands open to public prospecting in accord-

individual claiming rights from him only, could operate in the "disputed Territory," and that in the circumstances the best solution would be for Khama to surrender his mineral claims in it to the High Commissioner to be dealt with as the latter thought fit. This suggestion appears to have met with Khama's approval, as in May, 1893, he offered to cede his mineral rights to the High Commissioner. Lord Loch proposed to hand them over to the British South Africa Company who had already acquired, under the Rudd Concession, Lobengula's claims. The Secretary of State was unable to approve of this settlement, because he was afraid it would be disputed by other companies besides the Bechuanaland Exploration Company, who could claim to share with the British South Africa Company in the mining development of the disputed Territory. Meanwhile, in the previous month (2nd April, 1893), without the knowledge of the High Commissioner, the British South Africa Company had bought up the interests of all other companies, and four months later, 25th July, received from Khama a new Concession granting them the mineral rights over all his Territory. This Concession, which transferred the mineral rights of the rival Chiefs to a single company, was subsequently approved by the Secretary of State and the dispute between Khama and Lobengula as to the ownership of the minerals came to an end and subsequently the ownership of the land passed to Khama.

Note:—In a letter dated the 29th of December, 1930, the Acting Chief Tshekedi asked to be supplied with certain correspondence including that which took place between the High Commissioner and Mr. Moffat in May, June and July, 1893, dealing with the question referred to above. All telegrams that could be traced in the Office answering the above description were copied and sent to him. In view of his continual assertions that Khama would not have conceded the rights to minerals in his Territory to the British South Africa Company if he had not been pressed to do so by the British Government, his attention was drawn to the High Commissioner's telegram of 21st July, 1893, from which it was evident that Lord Loch only became aware of the agreement on this date, that is four days before it was signed, although negotiations had been proceeding with Khama for two or three months previously. Tshekedi, however, doubted the *bona fides* of the Government and in reply asserted that it was clear there must have been prior correspondence dealing with this subject because Moffat, when answering the High Commissioner's telegram of 21st July, referred to the Government's "own negotiations" with Khama. Tshekedi assumed that this expression referred to negotiations between the British South Africa Company and the Crown for a mineral Concession, whereas, in point of fact, the reference was to the proposal that Khama's claims to the mineral rights in "disputed Territory" should be ceded to the High Commissioner.

OWNERSHIP OF THE MINERALS IN THE BECHUANALAND PROTECTORATE.

1. Originally the Native Chiefs might, and probably did, claim to own all the minerals in Bechuanaland. In the years following the establishment of a British Protectorate, the Chiefs successively succumbed to the advances of a number of concession hunters to whom they ceded the right to search for and win the minerals in the Territory over which they possessed, or claimed to possess, dominion. In some instances the Chiefs granted these concessions without obtaining the consent of the tribe in Kgotla, and in others they contracted monopolistic concessions for a remuneration which was invariably inadequate and usually took the form of a personal payment to the Chief, with the result that the tribe reaped no benefit from the transaction. In March, 1888, in order to protect the interests of the natives, a Government Notice was published in which it was laid down that in future no concessions, which did not comply with certain prescribed conditions, would be recognized as valid, but by 1893 the position in regard to concessions had become so unsatisfactory, that on January the 10th of that year, it was found necessary to issue a Proclamation appointing a Commission to inquire into and report upon alleged land grants and mineral concessions. On the recommendation of this Concession, many of the concessions previously granted were declared invalid, and the approved mineral concessions at present existing appear to be:—

(1) *Bangwaketsi.* Two concessions, dated 13th October, 1887, and 29th March, 1888, originally granted to different parties by Gaseitsiwe, Chief of the Bangwaketsi. The concessions which are in practically similar terms, grant the right to prospect for precious stones and minerals throughout the Chief's territory in consideration of a payment of 5s. per month; and also, in consideration of certain further payments which become payable on selection of a mining area, the right to search

for and win precious stones and minerals in one or more areas not to exceed in the aggregate 400 square miles.

Note:—It appears that a consolidated rental of £120 per annum is being paid in respect of both concessions.

(2) *Bakhatla.* A concession, dated 22nd July, 1898, granted by Linchwe, Chief of the Bakhatla, granting, in consideration of the payment of £100 per annum, the right for a period of five years to prospect for precious stones and minerals throughout the Chief's territory, and further within the period named to mark off for mining operations one or more areas not to exceed in the aggregate 100 square miles. This concession was approved subject to the condition that the areas to be marked off for mining purposes should not exceed four in number nor exceed in the aggregate 100 square miles.

Note:—The five-year period was renewed twice to 22nd July, 1913, and the mining area of 100 square miles was demarcated in 1910.

(3) *Bamangwato.* A concession, dated the 25th July, 1893, granted by Khama, Chief of the Bamangwato, granting, in consideration of the payment of £25 a month on discovery in payable quantities of any gold, precious stones or minerals, the right to prospect for and mine precious stones and minerals throughout the Chief's territory (with certain reservations).

Note:—The Acting Chief Tshekedi has given the British South Africa Company notice of his intention to terminate the concession as from the 31st December, 1931, but the Company has refused to accept the Notice.

(4) *Bakwena.* A concession dated 28th August, 1889, granted by Sechele, Chief of the Bakwena, under which, as modified, the concessionaire was allowed the right, for a period of five years from a date to be fixed, of prospecting for precious stones and precious metals within the Chief's territory, and the right, within the period named, to mark off an area for mining operations not exceeding 10 miles square (100 square miles).

Note:—Since 1902 payment at the rate of £180 per annum has been made in respect of this concession.

2. In 1895, the disposition of the surface and mineral rights set out above was affected by the Crown transferring to the British South Africa Company the ownership of the land along the eastern border of the Protectorate known as the Tuli, Gaberones, and Lobatsi Blocks. Subject to prior dated concessionary rights, the minerals in these areas belong to the British South Africa Company, and have been retained by the Company in respect of those farms that had been sold to European Settlers.

3. The Moremi Concession expired in 1924 and the High Commissioner refused to sanction its renewal. As no further concessions are likely to be made for some time to come, the above position in regard to mineral concessions may be regarded, for the purpose of this memorandum, as final.

4. In considering the area affected by these concessions, it must be remembered that some of them were made in respect of the whole of the land claimed at the time by the tribe concerned, which, prior to the London Settlement between the Secretary of State and the Principal Chiefs, included regions not effectually occupied. In the recent negotiations between Tshekedi and the British South Africa Company, the High Commissioner insisted that the Khama Concession could not be regarded as effective outside the present boundaries of the Bamangwato Reserve and the Tuli Block. This contention is likely to be maintained.

THE DRAFT MINING PROCLAMATION—GENERAL OBSERVATIONS.

5. The Protectorate is divided for mining purposes into the following areas:—

I. (*a*) Crown Land.
   (*b*) Native Reserves not subject to a mineral concession
II. The Mineral Concession Areas.
III. Private Land.

6. The Crown, as the owner of the minerals in Crown Lands, decides whether, and if so in what manner and by whom, the minerals in these areas are to be worked. The High Commissioner may throw Crown Lands open to public prospecting in accord-

ance with the provisions of the Proclamation (Section 6 (3)), but if he considers that prospecting and mining on Crown Lands could be more efficiently conducted by granting the sole right to prospect and mine to one or more individuals or companies, he may adopt this method (Section 35 (1)).

7. It has been found convenient to group Native Reserves (or portions of them) *not subject to a mineral concession* with Crown Lands, because the Crown, and the Chief of the Reserve acting on behalf of the tribe, are jointly responsible for the conduct of mining operations in these areas. It will be observed that although the Chief and the tribe are defined as the " owners " of the Minerals (Section 2 (*r*)) in their Reserve, no Chief can throw his Reserve open to public prospecting and mining, or grant to companies or individuals the rights to mine in his Reserve without the consent of the Crown.

Note:—Section 6 (1) empowers the High Commissioner to apply the Proclamation to any area; Section 7 (1) provides that no person shall prospect on any area to which the Proclamation has been applied without a prospecting permit, and Section 7 (2) confers on the Government the power to withhold a permit. The Proclamation of the 10th of June, 1891, prescribes that no Chief can grant a mineral concession without the approval of the Secretary of State.

8. On the other hand, the High Commissioner cannot throw a Native Reserve open to public prospecting without the consent of the Chief in his capacity as owner (Section 6 (3)). It therefore follows that mining cannot take place in Native Reserves not held under Concession without the consent of the High Commissioner and the Chief acting in concert.

9. The holder of a mineral concession has to register his concession within six months of the commencement of the Proclamation, which is taken to be the date on which it is published in the *Gazette*. He has the sole right to prospect in his concession (Section 29 (1)), but he may, of course, cede or transfer his rights to others subject to the approval of the High Commissioner (Section 33 (1)). The approval of the High Commissioner is considered necessary to prevent a concession being ceded or transferred to individuals or syndicates who, in the opinion of the High Commissioner, are not fit and proper persons to possess and exploit mineral rights in a Native Reserve.

10. " Private Land," defined in Section 2 (1) (*t*) is of two varieties, namely (*a*) where the owner of the surface is also the owner of the minerals, *e.g.*, the unalienated land in the Tuli Block, and (*b*) where both the surface and mineral rights are owned privately but by different interests, *e.g.*, in the southern half of the Tuli Block the farmers own the land but the British South Africa Company owns the minerals. Similar conditions prevail in the Tati District, while in the Lobatsi Block the Balkis Company possesses the mineral rights over land the surface of which belongs to the British South Africa Company. A point of general interest in regard to mining on private land is that the owner of the mineral rights on private land (for example the Tati Company) may continue to prospect and mine on such land even if the Proclamation has not been applied to it; but as soon as the Proclamation has been applied, prospecting and mining can only be carried out in accordance with its provisions, the owner of the mineral rights being required to take out a prospecting permit in accordance with Section 37.

11. *Part VI* of the Proclamation gives the High Commissioner power to prohibit absolutely mining for diamonds in the Protectorate. It is not contemplated that in normal circumstances this power would be exercised against the owner of the rights in respect of precious stones, provided there was nothing objectionable in the mining methods adopted. But, as a matter of policy, power has been taken to prohibit diamond mining in order to prevent the establishment of " diamond diggings " in the Protectorate. Such mining methods, it is considered, are objectionable, particularly in the vicinity of Native Reserves for the following reasons, *inter alia*:—

(*a*) They lead to the congregation in certain areas of unruly elements of population.
(*b*) They facilitate the illicit introduction and distribution of liquor.
(*c*) They frequently produce an indigent population which is a source of financial and political embarrassment to the Government.
(*d*) They cause the maximum disturbance of the surface of the land.

12. *Part VII*, " Surface Rights," *Part VIII*, " General Provisions," and *Part IX*, " Administration," are all of general application to all varieties of mining in all parts of the Protectorate, and do not call for any prefatory remarks.

5/0

Detailed Examination of Proclamation.

13. Perhaps the most convenient method of explaining the Proclamation would be to illustrate with definite examples how it would operate in practice. The first step would be the publication of the Proclamation in the High Commissioner's *Gazette*, let us say on the 1st of July, 1931. This would be the date of the commencement of the Proclamation, and on the same, or a prior date, the High Commissioner would appoint at Mafeking a Registrar of Deeds whose duties are set out in Section 3. Before the 31st December, all holders of mineral concessions must register their concessions and, should they fail to do so, the concession becomes void. Where the present holder of a concession is not the original person to whom it was granted by a Chief, such holder shall be obliged, before the 31st December, 1931, to register not only the original concession but also all the deeds of transfer through which he traces his title to the concession. He must also produce a certificate from the Resident Commissioner that the original concession had received the approval of the Secretary of State in writing, and it will be the duty of the Resident Commissioner to satisfy himself, by reference to official records, that such written approval had, in fact been given by the Secretary of State. Any concessions granted subsequent to the date of the commencement of the Proclamation must be registered within six months of the date on which the concession was granted, and in this connexion it will be observed from Section 2 (1) (*m*) that only mineral concessions that have received the written approval of the Secretary of State in terms of the Proclamation of the 10th of June, 1891, can be recognized and registered.

14. As soon after the Proclamation has been promulgated as the circumstances may demand, the High Commissioner will publish a Notice specifying the areas to which it is to be applied. In the first instance it would probably be applied to areas, such as the Tati District, where mining is actually being carried on. As it is unlikely that the Tati Company would consent to the District being thrown open to public prospecting (Section 6 (3)), mining operations would have to be conducted in the manner prescribed for Private Land (Part V), and the Tati Company would probably apply, under Section 37 (1), for a permit to prospect in the Tati District, which the Mining Commissioner would be obliged to issue subject to the payment of £1 annually. All areas in the district in which mining was actually being carried on would then have to be taken up as claims or blocks of claims. A claim is 400 by 150 feet, and the holder of a single prospecting permit (unless he is the holder of a Mineral Concession operating within the bounds of his concession) is limited to 500 such claims, *i.e.*, an area of 30,000,000 square feet or a little more than a square mile. It is most unlikely that any one mine in the Tati District would require as much as a square mile of land for the conduct of operations on a specific mine, and in all probability a few claims of 60,000 sq. ft. each would suffice. But it will be observed (Section 9 (1)), that the holder of a single prospecting permit cannot by virtue of his possession of that permit take up an area equivalent to a block of 500 claims, or about a square mile, and apportion that area amongst say six different mines spread over a region as large as the Tati District. In order to prevent any such evasion of mining dues it is provided that each block of 500 claims taken up must be pegged within an area not exceeding 10,000 by 15,000 ft. or roughly 2 by 3 miles. This does not mean that the Tati Company must confine its mining operations to an area of 2 miles wide by 3 miles long. It should be noted (Section 29 (3)) that there is no limit to the number of claims which the holder of *a mineral concession* can peg out under the authority of a single prospecting permit, but he is obliged, however, to pay an annual rental of 1s. per square mile for the area over which he possesses the sole right to prospect. Rental is not payable in respect of areas pegged as claims.

15. Before proceeding to consider the sections dealing with claim licences, let us assume that the High Commissioner has issued a *Gazette* Notice throwing open for public prospecting an area of Crown Land. An intending prospector will apply to the nearest Mining Commissioner for a permit. If he is over 21 years of age and the Mining Commissioner is satisfied that he is otherwise a fit and proper person to hold a permit and intends to engage in *bona fide* prospecting operations, he will issue the permit, and armed with this authority he may, subject to the restrictions imposed under Section 10, commence prospecting operations in the area described in the Notice. If he discovers minerals he may, within an area not more than 10,000 ft. wide by 15,000 ft. long, peg off claims up to a maximum of 500, or a total area of about a square mile. He should then proceed to the office of the nearest Mining Commissioner to take out claim licences. He is allowed a period of thirty days, which in special circumstances may be extended to sixty days, to perform this journey. If

there should be other prospectors in the same neighbourhood watching his operations. they may attempt to jump his claim by urging priority of pegging, and, in the event of any dispute of this nature, the Mining Commissioner is empowered to decide, upon the evidence available, between the rival claimants.

16. *Section* 10 places certain restrictions on prospecting which are designed to protect houses, huts, villages, townships, claims, water supplies, &c., from injury or interference due to prospecting. Where Europeans only are concerned, a prospector would normally have no difficulty in securing the written permission of the owner to engage in prospecting operations in the restricted places by offering compensation for any damage done; but where natives are concerned, the approval of the High Commissioner is required before prospecting can be undertaken in the prohibited areas. The effect of this provision is bilateral. It protects the natives against a Chief or Headman who might be bribed by a prospector to grant facilities which might interfere with other natives, and it protects the prospector against a prejudiced native who, regardless of the value of the compensation offered, might unreasonably withhold permission to carry out important prospecting operations. A reference to the definition of the term "owner," in Section 2 (1) (r) will make it clear that the "owner" when he is a native, may not alienate property or give or withhold consent in regard to mining operations except with the approval of the High Commissioner.

17. *Section* 11 prescribes the fees to be paid for claim licences, it being remembered that a claim is 150 by 400 ft. or 60,000 sq. ft. or rather less than 1½ acres. It will be observed that licences to hold and work claims can be taken out by the month, and that the fees due in respect of them are payable *in advance*. During the first year after the date of issue of licence the fee is merely nominal, amounting to only 1s. per annum for each claim of approximately 1½ acres of land. For the second, third and fourth years the charge is increased to 12s. per annum for the same area, but for the fifth and subsequent years it rises sharply to £3 per annum for each claim of about 1½ acres. The object of this sharp grading in the scale of fees is to prevent individuals or companies from pegging claims in order to prevent others from developing the minerals rather than to develop them themselves. The following example will explain the operation of Sub-section (2) of this section. Let us assume that a prospector has pegged out a block of 100 claims (about 140 acres in all), and has taken out claim licences in respect of them for six months at 1d. per month per claim for which he would pay the Mining Commissioner £2 10s. Let us suppose that at the expiration of the six months he is able to satisfy the Mining Commissioner that he has spent in wages on developing his claims at least 10s. per claim per month, less £30 per month for his own labour, that is £(10 × 6 × 100) − 20 − £(6 × 30) or £(300 − 180) or £120. If the holder of the licences has not himself worked on the claims he will have to show that he has spent the full £300 on wages before he will be eligible for a refund. If he can do this, he will be entitled to a refund of the £2 10s. he has already paid in claim licence fees, and can renew his licences for another six months by again paying in this amount of £2 10s.

18. *Section* 12 prescribes that the holder of a prospecting permit may not peg more than 500 claims in any one year, but if he notifies the Mining Commissioner that he has abandoned any claims, he may peg additional claims in place of them, provided the total number of claims held under a single prospecting permit is not exceeded. It should, however, be observed that there is provision in Section 14 (7) for the amalgamation of blocks of claims held under different prospecting permits so that persons wishing to peg more than 500 claims may do so by forming a company or syndicate, each member of which, or his agent, is entitled to take out a prospecting permit and under each prospecting permit may peg a maximum of 500 claims. Blocks of five hundred claims may then be amalgamated, and in this event only the external beacons need be maintained.

19. *Section* 13 gives the Mining Commissioner authority to require the holders of claim licences to furnish him with a surveyed plan of their claims. It is not proposed to enforce this provision if it would place an unnecessary burden on claim holders, as those who possess valuable claims would naturally wish to secure their title by Special Registration, in which event they would be obliged to have their claims surveyed in accordance with Sections 19 and 20.

20. *Sections* 14 *and* 15 prescribe the manner in which claims shall be pegged out and beaconed and need no explanation.

21. *Section* 16. In addition to the claim licence fees amounting to £2 10s. (see Section 11), the holder of the claims will be required to obtain from the Mining

Commissioner a Certificate of Registration, for which he pays 5s. This fee of 5s. is not a recurrent charge and cannot be refunded. These Certificates of Registration are not to be confused with the Certificate of "Special Registration" since it is not necessary to lodge surveyed plans in order to obtain those certificates which, unlike the "Special" certificate, do not confer unassailable title.

22. *Sections* 19 *and* 20 make provision for *special* registration, for which a fee of £1 on application and £2 on the issue of the certificate must be paid to the Mining Commissioner. Once the prescribed formalities in regard to special registration have been complied with, the holder of claims so registered is assured that his title to them cannot be disputed by other parties on any grounds other than fraud. If a prospector concluded, either from inspection or as a result of work carried out on his claims, that they contained, or appeared to contain, valuable minerals, he would no doubt wish to secure unassailable title to them by taking out certificates of special registration on his own initiative. To obtain this he must go to the expense of having his claims properly surveyed and a diagram of their boundaries, &c., drawn up and lodged with the Registrar of Deeds (Section 19 (8)). If, however, he has no evidence to show that his claims are really valuable, he will not go to this expense, but, on the other hand, if the Mining Commissioner considers it desirable in the public interest or in order to avoid confusion between a number of adjacent claim holders, he may exercise the powers conferred on him under Section 13 and compel claim holders to have their claims surveyed and diagrams of them submitted to him.

23. *Sections* 21-23 prescribes the formalities which have to be complied with before the holder of registered claims can transfer them to another party or raise money to develop them by means of passing a mortgage bond. Certain fees are prescribed in connexion with these transactions which vary according to the circumstances. These Sections appear to require no explanation.

24. *Section* 24. No explanation required.

25. *Section* 25. Sub-section (1) is an important sub-section which provides for the lapse of claims if claim holders fail to pay their licence fees. They are given the usual three months' grace. The intention of the section is to relieve the Administration of the task of having recourse to civil process in order to recover licence fees. Sub-section (2) applies the same principle in regard to specially registered claims, but the holder of such claims is given eighteen months in which to make good arrears before his claims are forfeited, and there is an obligation imposed on the Mining Commissioner to notify him by registered letter when his claim licence fees are twelve months in arrear. Sub-section (3) is intended to prevent persons from paying claim licences in order to enable them to "squat" on land which they would not otherwise be allowed to occupy. This is a very important provision in a territory where there are large Native Reserves and where, if this power were not taken, undesirable persons might secure residence in a Reserve for illicit purposes or in order to facilitate the clandestine sale of intoxicants or other prohibited commodities to natives.

26. *Section* 27 prevents a claim holder from allowing title to his claims to lapse with a view to taking them up again as new claims and thus avoiding the steeply graded increases in licence fees payable in respect of claims held for more than one or four years in accordance with Section 11 (1), or generally for the purpose of evading the provisions of the Proclamation.

27. *Section* 28 provides necessarily heavy penalties against those who fail to make the returns which are required for the purpose of assessing the amount of royalty due from them, or who fail to notify the Mining Commissioner of their intention to win minerals. A still heavier penalty is imposed on those who attempt by fraudulent returns to evade the payment of royalties.

28. *Section* 29 provides that no mineral concession shall endure for a longer period than twenty-five years. There are some concessions, such as the Khama Concession held by the British South Africa Company, which are, or were intended to be, perpetual concessions. The principal objection to a perpetual concession from a mining point of view is that it enables the holder of the concession to prevent or delay the exploitation of the minerals in such concessions. Section 29 was the outcome of an Agreement with the British South Africa Company and de Beers, who are the concessionaires owning respectively the minerals and precious stones in the Bamangwato Reserve, which is the only Reserve subject in respect of its whole area to a perpetual concession. Agreement was reached in regard to the provisions of this section on the assumption that a revised concession of limited duration would be entered into between the British South Africa Company and the Acting Chief of the Bamangwato.

Should the Chief appeal to the Courts and fail to secure the termination of the Concession, this section would amount to confiscation of concessionary rights. If, in these circumstances, the High Commissioner considered that this section should be repealed or amended, the Administration could still apply the Proclamation to the area affected by the Khama Concession in accordance with Section 6 (1), and thereafter the concessionaire would be obliged to pay the rentals and fees prescribed in Section 31 (1), which would probably provide sufficient inducement to compel the holder of the concession to work his minerals since, as the area affected is probably more than 50,000 square miles in extent, the annual rental, not including sums due to the Chief, would amount to £2,500 per annum. If it did not have this effect, the only alternative would be to introduce legislation providing for an increase in rental. It has, however, been estimated that a rental of 1s. per square mile is a fair rental since, although the smallest amount payable in claim licence fees under Section 11 is £25 per square mile per annum, only very small areas are likely to be pegged as claims, whereas the rental of 1s. per square mile is payable over the whole area of the concession and can only be reduced by the amount payable in respect of licence fees. The liability to pay this rental must, however, merely be regarded as an inducement to prospect, it being assumed that if valuable minerals are discovered they will be worked. If such minerals are discovered, claim licences must be pegged as required by Section 30 (1) before they can be won, and the fees in respect of such licences are approximately:—

£25 per sq. mile for the first year,
£300 per sq. mile for third, fourth and fifth years,
£1,500 per sq. mile thereafter.

From these sums must be deducted the rentals payable, which means that a concessionaire can peg out £2,500 worth of claims free of charge which, when the maximum fees come into operation, amounts to less than two square miles. These terms might be thought liberal, but the consideration to bear in mind is that, in framing the Proclamation, the important part played by mining in the economic development of Africa and recognition of the employment and markets it provides for agricultural produce, have been constantly kept in view. It was felt that the vast indirect benefits which follow mining development should not be sacrificed to secure a few pounds of mining revenue per annum.

29. *Section* 32. The mineral concessions in the Bangwaketse and Bakwena Reserves differ from the Khama Concession in that the rights of the concessionaire to prospect over the whole of either Reserve are granted for a limited period of years at the expiration of which they are obliged to select a circumscribed area in which to carry out mining operations. As it would be unfair to charge a rental in respect of areas over which the concessionaires had no rights whatever, provision is made in this section for the payment of rental in respect of the whole area until the concessionaires have pegged out the smaller areas to which they are entitled. In this case also it is hoped that the obligation to pay rental in respect of the whole of the Bangwaketsi and Bakwena Reserves will have the effect of encouraging prospecting and the selection of mining areas with the minimum delay.

30. *Section* 33 is not intended to prevent the transfer or cession of a mineral concession, but merely to assure that concessions over Native Reserves do not fall into the hands of individuals who are not fit and proper people to hold mineral rights in Native Reserves.

31. *Section* 34 provides for the reversion to the Chief and the tribe of the mineral rights over all land in a concession not pegged as claims by the concessionaire during the period for which he holds the concession.

32. *Section* 35. The manner in which the High Commissioner may deal with Crown mineral rights has already been referred to in paragraph 6 of this memorandum. It is recognized that where large areas are concerned the days of the individual prospector have, generally speaking, passed away, and prospecting is carried on by up-to-date, scientific methods directed by experienced geologists. This system has been followed with conspicuous success in Northern Rhodesia, and though, from time to time, important discoveries may be made by individual prospectors without technical knowledge, scientific appliances or adequate funds at their disposal, the old system, besides being ineffective, is unsuited to the needs of a country like the Bechuanaland Protectorate where the difficult communications and vast areas render capital almost essential, and where the existence of Native Reserves demands that prospecting should, as far as possible, be entrusted to companies or individuals of substance and repute who can be held responsible for the observance by their employees of the laws which

58

have been introduced for the special protection of natives. Section 35 contemplates that the Crown would negotiate with interested companies an agreement for the exploitation of any minerals in Crown Lands. Such agreements would probably take the form of a grant of the sole rights to prospect for a fixed number of years in a prescribed area of considerable dimensions, subject to the payment to the Crown of an agreed rental to take the place of the usual mining revenue, and the payment to the Crown of royalties either on the scale fixed in the Proclamation or such other scale as may be agreed on, or possibly on a basis of sharing profits, or a combination of both. It will be observed that provision is made in this section for the development in a similar manner, under the auspices of the Crown, of minerals in Native Reserves, subject, of course, to the consent of the Chief to whom the royalties would be payable. This system would not be employed in Reserves subject to a mineral concession without the consent of the concessionaire.

33. *Sections* 36, 37, 38 are adequately explained in the general remarks in paragraph 10 of this memorandum.

34. *Section* 39. The questions of policy which arise in regard to mining for diamonds which are responsible for the prohibitory provisions of this section, have been explained in paragraph 11 of this memorandum. The provisions relating to diamonds were agreed to by the representatives of de Beers in the course of a discussion with the Imperial Secretary at Kimberley, and were the subject of subsequent correspondence. As a result of a decision of the Privy Council, de Beers obtained title to the precious stones in the Protectorate acquired by the British South Africa Company under the Khama Concession. Other smaller concessionaires were not consulted, and, even if they objected, the Government would probably, as a matter of policy, insist on their falling into line.

35. *Section* 40. Diamond claims are much smaller in area and a considerably higher (but ungraded) licence fee is charged.

36. *Section* 41. Special provisions are necessary to regulate the manner in which diamond pipes may be worked. It has been considered in the Union that the State should share in the large profits likely to accrue from the discovery of concentrated diamond deposits such as are found in a pipe. This view is shared by the Government of the Bechuanaland Protectorate, and provision is made for 50 per cent. of the profits from the working of a diamond pipe, in addition to ordinary royalties, to be paid to the Crown in respect of diamonds found in pipes on a Crown Grant.

37. *Section* 42. Sub-section (2) contains special provisions for the protection of native interests, which are more likely to be disturbed by diamond mining than by any other form of mining activity, since in the case of alluvial mining considerable and permanent damage may be done to the surface. This is a special adaptation of the general restriction against diamond mining contained in Section 39 (1).

38. *Section* 44. The provisions regarding the exercise by those engaged in mining operations of ancillary rights in regard to the use of the surface, grazing, water, wood, &c., are considered to be adequately restricted in the interests of the owners of the surface. The holder of the prospecting permit may introduce on to land on which he is operating twenty draught animals such as horses, mules or donkeys, provided they are free from disease, but if he were to introduce horned cattle, they must not only be free from contagious or infectious disease, but the consent of the owner or occupier of the land must be obtained, and in the case of native Reserves the permission of the Resident Commissioner is necessary. The use of indigenous wood or timber by persons engaged in mining operations is subject to such general restrictions as the Mining Commissioner may impose (Sub-section (2)), but, in the event of no such restrictions being imposed, prospectors and miners may use *free of charge* the wood and timber on land situated *within their pegged claims* provided there are no special provisions in the title deed of such land requiring him to pay for such timber. In this connexion it will be appreciated that the obligation to pay licence fees in respect of pegged land will have the effect of restricting the amount of land so pegged. There are no general restrictions in regard to the use of timber on Crown Land for mining purposes other than those which the High Commissioner may deem fit to impose when making the Crown Grant, but Sub-section (2) (*c*) of this section makes provision for the payment for timber used on private land not pegged as claims, in accordance with a tariff to be prescribed in the Mining Regulations. The use of water by persons engaged in mining operations is specially regulated by Section 53, but the general permission to use grazing, wood and water and to erect buildings is subject, so far as Native Reserves are concerned, to a comprehensive safeguard which is contained in the proviso to this section.

39. *Section* 46 provides for compensation to be paid by those engaged in mining

operations in respect of any portion of the surface of a Native Reserve which they may be permitted to use for mining purposes.

40. *Sections 47 to 52* provide for the pegging of sites on which to erect buildings required for mining purposes, limits the area which may be used for such purposes and prescribes the rental to be paid. These rights are confined to the holders of *registered claims* and are subject to the general restrictions in regard to the protection of roads, kraals, houses, villages, cultivated land, &c., laid down in Section 10. Buildings erected in accordance with these sections can only be used in connexion with legitimate mining operations and cannot be used for trading or such like purposes.

41. *Section 53* makes provision for the use of water by those engaged in mining operations. Owing to the scarcity of water in the Bechuanaland Protectorate, stringent restrictions for the purpose of conserving it and safeguarding the interests of the owners of the surface have to be enforced. For this purpose the control of water in mining districts is vested in the Resident Commissioner who is charged with the duty of apportioning it between the owners of the surface, and the owners of the mineral rights.

Sub-section (1) stipulates that in exercising the powers conferred on him the Resident Commissioner must first consider the necessities of the owner of the surface as regards water required for domestic use, cattle and irrigation purposes.

Sub-section (2) protects *inter se* the claims of persons other than the owner or occupier of the surface, while Sub-section (4) directs that, in the event of there being scarcity of water, the requirements of the occupier, owner or holder of claims or other person actually using the water shall be preferred. The usual omnibus proviso protecting the special interests of natives is attached to this section.

42. *Section 54* deals with the measures to be taken to conserve water.

43. *Section 55* provides that water brought to the surface as a result of mining operations, or flood water conserved by claim holders which would otherwise have gone to waste, is the property of the claim holder, but only so far as it is necessary for the purpose of developing claims.

44. *Part VIII* of the Proclamation contains a number of general provisions which are self-explanatory. There are several sections protecting roads, railways and houses against mining operations and providing for the filling in and fencing of prospecting trenches near public roads. Precautions in regard to the use of explosives and poisonous chemicals are also included. The only sections which appear to call for comment are those dealing with questions of employment.

45. *Section 64* requires that a register showing the names, nationality, race or tribe of every person employed on claims worked as a single mine must be kept.

46. *Section 65* (1) is an important provision which restricts the importation of foreign natives and endeavours, as far as practicable, to reserve the employment made available by mining for the natives of the Territory.

Sub-section (2) gives the Resident Commissioner the power to demand from those who have been allowed to import foreign natives a deposit sufficient to cover the cost of their repatriation in the event of it becoming necessary or desirable to remove them from the Protectorate.

47. *Section 66* provides that all wages must be paid in *cash* and that no deductions shall be made in wages except in respect of cash advanced, which is limited to a sum not exceeding three pounds. The object of this is to prevent natives from being defrauded by worthless commodities or contraband, such as liquor, being given them in lieu of wages, and to ensure that their freedom to leave employment at the termination of their contracts is not prejudiced by their having mortgaged their services to their employers by reason of having contracted debts as a result of excessive monetary advances.

48. The remainder of this portion of the Proclamation is mainly devoted to penalties for neglecting to maintain beacons, &c., and generally contravening the Proclamation.

49. *Part IX—Administrative* deals with the appointment of mining officials, jurisdiction of the Courts in mining questions, judicial powers vested in the Mining Commissioner, summonses, expropriation of claims, &c., and is self-explanatory.

50. The first Schedule contains specimen forms, the Second prescribes the fees in respect of mortgages and the Third Scales of Royalties. The Scales of Royalties have been drawn up after consultations between the Imperial Secretary, the Mining and Legal Advisers and the representatives of the British South Africa Company, the Tati Company and de Beers.

B. E. H. CLIFFORD.

30th May, 1931.

59

10141/95.

No. 75.

IMPERIAL INSTITUTE

to

DOMINIONS OFFICE.

[*Answered by No. 86.*]

SIR, Imperial Institute, London, S.W.7, 13th July, 1931.

YOUR letters of the 30th June, 1931,* and of the 8th July, 1931,† and their respective enclosures have now been considered by the Legal Committee of this institute, who had the advantage of the attendance of Mr. Machtig, of the Dominions Office, and I am in a position to communicate to you their further comments upon the Draft Proclamation in the light of these documents.

2. *Section 2 (1) (p) and (r).*—There are, the Committee understands, several Chiefs and their Tribes in the Protectorate, so that it might be desirable to substitute for the words "*the* Chief and his tribe" some such expression as "*any* Chief and his tribe."

3. *The same sub-section.*—It is noticed that in the definition of "owner" the High Commissioner must approve of any "alienation or consent," whereas in the definition of "occupier" only "consent" is mentioned. Is it impossible that an "occupier" should be asked to "alienate" certain rights, *e.g.*, rights in the nature of a tenancy?

4. The Legal Committee, in noting the substitution of the "Resident Commissioner" by the "High Commissioner" throughout the draft, suggest that the High Commissioner may occasionally find it useful to devolve his authority and discretion in matters of detail to some local representative in order not to hamper mining development by repeated reference to Cape Town.

5. There are a few sections in which the former expression "Resident Commissioner" still lingers and in which the substitution of "High Commissioner" will no doubt be made, *e.g.*, Sections 42 (2), 44 (1), 44 (5), 45, 47 (2), 52, 58 (twice), 65 (2) and 86.

6. *Sections 2 (1) and Section 29 (1).*—The Committee concur in the High Commissioner's reasons for deleting the addition at the end of Section 29 (1) which was suggested by them.

7. *Section 2 (1) (t)—"Private land."*—The Committee agree that the word "unalienated" ought not to be inserted.

8. *Section 7 (2)—Cancellation of Prospecting Permits.*—The Committee concur.

9. *Section 10—Restrictions on Prospecting Permit.*—In Sub-section (*d*), ought not the words "without the consent in writing of the owner or occupier thereof, or of some person duly authorized thereto by such 'owner or occupier'" now be deleted?

10. *Section 12—Number of Claims to be Pegged.*—The Committee concur.

11. *Part II of the Proclamation.*—The Legal Committee in their original observations upon this Part of the Proclamation doubted whether its provisions afforded enough security and attraction to financial interests to ensure their participation in mining development. The High Commissioner does not share this view and the British South Africa Company in their comments on the earlier draft did not make this point. It is understood that the draft will again be submitted by the Dominions Office to the Company, and the Committee consider that, if the Company considers its provisions sufficiently attractive to the financial interests, that ought to provide a satisfactory test.

12. *Section 34—Duration of Mineral Rights.*—The Committee note and accept the High Commissioner's answer to their comment. It does not seem to matter that the concession may comprise some "mineral," *e.g.*, oil shale, which is excluded from that term by the Proclamation, because the ownership of that excluded mineral remains where it was, and the section does not appear to touch or prejudice that question. Upon the expiry of a concession the *status quo ante* would revive.

13. *Section 41—Discovery of Diamond Pipe.*—The Committee now concur in the High Commissioner's view that no provision is required for rewarding a discoverer as such.

14. *Sections 56 et seq.—Provisions for the Protection of the Surface.*—The Committee have carefully considered the views expressed by the High Commissioner on the question of subsidence and other surface damage and concur in them. There is only one aspect of surface damage to which they wish to draw attention, namely, diminution of the quantity or quality of water as the result of mining operations. In

---

* No. 73. † 10141/93; not printed; it forwarded memorandum enclosed in No. 74.

an agricultural and pastoral country like this Protectorate, one of the most serious kinds of damage which can be sustained by the inhabitants as the result of mining is that they may be deprived of their natural supply of water in what is substantially its natural condition. The Committee notice that the High Commissioner is alive to this danger and that Section 54 is designed to meet it. They venture, however, to refer to it as a matter requiring special attention when he comes to issue regulations in pursuance of the power conferred upon him by Section 110.

15. *Paragraph 54 of the High Commissioner's despatch of 30th April*, 1931.*—The Committee concur in the reasons given by the High Commissioner in favour of promulgating the Proclamation above forthwith and of deferring the issue of Regulations until they from time to time become necessary. In this way it will be easier to adapt the Regulations to the particular requirements of the kinds of mineral exploitation which may be found most suitable—a matter which cannot at present be adequately foreseen.

On the whole subject of Regulations for health and safety in the broadest sense of those words, the Committee beg to remind the High Commissioner that in the Regulations prevailing in Northern Rhodesia he will find what is probably one of the most modern and efficient codes suited to South African conditions.

16. *General.*—There are many other points dealt with in the High Commissioner's despatch of 30th April, 1931. These have been considered and the Committee have no observations to offer upon them.

17. The interesting and valuable *Memorandum on the ownership of Surface and Mineral Rights in the Bechuanaland Protectorate*† by the Imperial Secretary has been read and is returned herewith. I should, however, be glad to have it back again, when the Dominions Office can conveniently spare it, so that I may have a copy made for reference here.

I am, &c.,
W. I. FURSE,
Director.

10141/95.

No. 76.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

[*Answered by No.* 84.]

(Bechuanaland Protectorate.)
(No. 267.)

SIR, Downing Street, 16th July, 1931.

WITH reference to my telegram No. 75 of the 6th July,‡ I have the honour to transmit to you the accompanying copy of a letter from the Imperial Institute,§ giving the observations of the Legal Committee of the Institute on the draft Mining Proclamation of the Bechuanaland Protectorate as forwarded in your Despatch No. 322 of the 12th June.‖ I shall be glad if you will consider the points made in this letter.

I have, &c.,
J. H. THOMAS.

10141/95.

No. 77.

DOMINIONS OFFICE

to

BRITISH SOUTH AFRICA COMPANY.

[*Answered by No.* 79.]

SIR, Downing Street, 22nd July, 1931.

I AM directed by Mr. Secretary Thomas to refer to your letter of the 11th June, 1930,¶ in which you furnished the views of your Board on the text of the draft Mining Proclamation for the Bechuanaland Protectorate in the form in which it was discussed

* No. 66. † Enclosure in No. 74. ‡ 10141/93: not printed. § No. 75.
‖ No. 74. ¶ No. 43.

by Sir Drummond Chaplin and Mr. D. O. Malcolm with the Imperial Secretary at Cape Town in March, 1930.

2. The views of your Board were referred to the High Commissioner of South Africa for his consideration and his reply has now been received. His comments on the points raised in your letter are as follows:—

3. As regards *Section* 2 (1) (*l*) (*b*), of the draft, the High Commissioner considers it necessary expressly to exclude oil and oil shale from this section, since any legislation regarding the production of oil, petrol, &c., would, as in other Colonies, &c., require to be in a special form. He does not, however, consider it necessary that, for the present at any rate, there is need for the enactment of legislation in the Protectorate relating to the recovery of oil and oil shale.

With regard to *Section* 4, the High Commissioner states that he has arranged for the renumbering of Sub-section (2) of Section 4 and for the insertion of the following new sub-section:—

> "(2) If any mineral concession be granted subsequent to the date of the commencement of this Proclamation, application for registration as prescribed in Sub-section (1) of this section shall be made within six months of the date on which the concession was granted."

Section 19 (8). This is a clerical error which the High Commissioner has now corrected.

Section 26. The High Commissioner agrees with the amendments suggested by your Board.

Section 31. As regards the amount of annual rental to be paid, the High Commissioner agrees that the insertion of "two shillings" was an error of drafting and that the amount should be one shilling per square mile. As regards the proposal that the words "by him *or his assignee*" should be inserted, the High Commissioner states that he regrets that he is unable to accept this suggestion, as he attaches importance to the principle that concessions can be issued to reputable persons or companies only and that these should be held responsible for the obligations which they incur. The High Commissioner adds that his Mining Adviser does not consider that any serious practical inconvenience will result from leaving the Section as it is.

Section 32. The High Commissioner states that this clause was drafted to reflect the agreement reached between the Imperial Secretary and the representatives of the British South Africa Company, and that he cannot agree to its alteration in the manner proposed. He agrees, however, to the deletion of the word "Bakhatla," as suggested. He points out that, as regards the other two Reserves mentioned in this section, the British South Africa Company need take out only one prospecting permit for the whole of these areas in respect of which they enjoy exclusive prospecting rights.

Section 33. The High Commissioner explains that the term "Mining Right" refers to mining rights such as those conferred on the holder of a prospecting or claim licence, and should not be confused with the expression "mineral rights," which is not defined in the Proclamation and is used in the sense of ownership of the mineral rights over an area, as opposed to the ownership of the surface rights. The two terms therefore are not synonymous, and the High Commissioner does not consider that amendment is necessary. He explains that the intention of the section is to prevent the approved holder of a mineral concession from ceding his right to another person or syndicate whom the High Commissioner might not consider a fit and proper individual or company to hold a mineral concession.

Section 35 (2). The High Commissioner agrees to the addition suggested by your Board.

Section 46. The High Commissioner proposes to amend this section by the substitution of the words "*High* Commissioner" for "*Resident* Commissioner," of the words "*native occupiers of land*" for the word "*Natives*," and of the words "compensation to be given" for the words "*rental to be paid.*" He explains that this clause is intended to enable the High Commissioner to award compensation to natives in respect of any permission granted under Section 10 (*d*) or in respect of the excessive use of such ancillary rights as timber and water, which in the case of private lands is regulated by Section 44 (*c*). He considers that the substitution of the term "native occupier" for the word "natives" should protect those engaged in mining from any unreasonable claims or frivolous obstruction to mining operations.

Section 47 (2). The High Commissioner agrees that the word "Claims" has been omitted, and proposes to restore it.

Section 48 (1). The High Commissioner agrees with the amendment suggested by your Board, and accordingly proposes to insert after the word "possible" the words "and in any case within a period of thirty-one days."

Section 79. The High Commissioner agrees to substitute for the term "*any claim holder*" the words "the holder of any claim, mineral concession or Crown grant," and to delete the words "or special" and substitute for them the words "mineral concession or Crown Grant." He considers it reasonable that the holders of claims, concessions or grants should be required to "point out" to the Mining Commissioner as accurately as possible the position on the ground of the boundaries of all claims, concessions or grants registered in their name.

4. I am now to enclose a fresh copy of the draft Proclamation* which has been revised in the light of the observations made in the preceding paragraph of this letter. The revised draft embodies also additional amendments made as a result of further consideration and consultation last year with the Legal Committee of the Imperial Institute. The Secretary of State proposes to authorize the High Commissioner to promulgate the draft Proclamation in this form subject to consideration of certain minor points which have arisen as a result of further examination of the present draft by the Legal Committee of the Imperial Institute. These minor points relate mainly to drafting amendments, with which it is unnecessary to trouble your Board, but two of them are of sufficient interest to mention here, viz. :—

(*a*) Section 2 (i) (*r*) (in the definition of the term "owner"), the draft provides for the approval of the High Commissioner for "any alienation or consent," whereas in sub-section (*p*) of the same section (in the definition of "occupier") only consent is mentioned. The Secretary of State is asking the High Commissioner to consider the question of making provision for the approval of the High Commissioner in the case of any alienation on the part of an "occupier," assuming such alienation should be possible.

(*b*) In Sub-section (*d*) of Section 10, the words "without the consent in writing of the owner or occupier thereof, or of some person duly authorized thereto by such owner or occupier" appear. The Secretary of State is asking the High Commissioner to consider the deletion of these words as being unnecessary in view of the altered form of the main part of Section 10.

5. The Secretary of State would be glad to learn whether your Board wish to make any further comments on the draft Proclamation before authority is given to the High Commissioner to promulgate the draft. He would greatly appreciate an early reply, as the High Commissioner wishes to promulgate the Proclamation in September, with a view to its being available to the meeting of the Bechuanaland Protectorate European Advisory Council in that month. It is requested that the draft Proclamation may be returned with your reply to this letter.

I am, &c.,
E. G. MACHTIG.

10141/95.

No. 78.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 274.)

SIR, Downing Street, 23rd July, 1931.

WITH reference to my despatch No. 267 of the 16th July,† I have the honour to transmit to you for your information a copy of a letter‡ which has been sent by my direction to the British South Africa Company in regard to the draft Mining Proclamation for the Bechuanaland Protectorate.

2. I shall hope to communicate with you in the matter by telegram when I receive the Company's reply.

I have, &c.,
J. H. THOMAS.

---

* Not printed here. † No. 76. ‡ No. 77.

10141/97.

No. 79.

BRITISH SOUTH AFRICA COMPANY

to

DOMINIONS OFFICE.

Rhodesia House, 2, London Wall Buildings,
London, E.C.2, 17th August, 1931.

SIR, I AM instructed to thank you for your letter of the 22nd July, 1931,* enclosing a fresh copy of the draft Mining Proclamation for the Bechuanaland Protectorate, and asking whether my Directors wish to make any further comments thereon before authority is given to the High Commissioner to promulgate it.

I am to say that except with regard to Section 33 of the draft my Directors have no further comments to make.

With regard to Section 33, while my Directors note and are quite in accord with the intention of the Section, as stated in your letter under reply, they still consider that the term "any mineral rights" used in the Section as now drafted is so vague that it may possibly be read to include registered mining claims the transfer of which should, my Directors suggest, be capable of being effected with the same freedom as in the case of any other property.

My Directors suggest their point would be met, and the agreed intention of the Section still preserved, if the words "or of any mineral rights on any land" in the second line of the Section were deleted and, as the holder of a mineral concession may want to cede some of his rights thereunder to another person (*e.g.*, the exclusive right to prospect for and work a particular mineral) without ceding them all, it would, in my Directors' view, be well to insert the words "all or any of" before, and the word "thereunder" after the words "his rights and obligations" in the fourth line of the Section.

There is one other matter which my Directors wish me to bring to your attention. It has always been understood by my Directors in the course of the various negotiations which have taken place in connexion with this matter that the proposed arrangements with regard to mining in the Mineral Concession areas in the Protectorate, some of which are incorporated in the draft Proclamation, were agreed to by my Directors, so far as they concern the British South Africa Company, conditionally upon the Chief Tshekedi making an agreement in respect of the Bamangwato Concession which will be satisfactory to them.

This agreement has not yet been effected and my Directors must, therefore, continue to make their assent to the various obligations to be imposed by the Proclamation conditional on such a satisfactory agreement being made, and to ask for an assurance that the Proclamation, if promulgated, shall not be made to apply to the Mineral Concession areas held by the Company until such time as, such agreement having been effected, the Company shall have been able to complete the necessary arrangements for prospecting therein.

Assuming, however, that such an agreement is made, and that it is on the lines of the draft referred to in Mr. Malcolm's letter to Sir E. J. Harding dated 19th June, 1929,† my Directors desire me to emphasize their view (apart from any other comments to which reference was made in the memorandum attached to that letter) that the proposed obligation to pay to the Treasurer of the Bamangwato Trust Fund 5 per cent of the net profits of all mining operations in the Bamangwato Reserve should be a liability put upon the claim-holder, whoever he may be, and not on the concessionaire, and that this liability should be put upon the claim-holder by law.

If, therefore, when the agreement with Tshekedi is made, it should be desired to provide for that obligation, my Directors submit that it should not be provided for in the agreement but in the Proclamation, and that if, by that time, the Proclamation shall already have been promulgated, then such amendment of the Proclamation as may be necessary to make that provision should be made.

As requested in your letter under reply I return the copy of the draft Proclamation therewith enclosed.

I am, &c.,
DENIS J. BAIRD,
Secretary.

---

* No. 77. † D. 7781/29 : not printed.

10141/97.

No. 80.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 2.40 p.m., 27th August, 1931.)

[*Answered by Nos.* 83 *and* 87.]

No. 97. My despatch 23rd July, No. 274.* Sending by next mail for your consideration copy of British South Africa Company's reply.† Their observations upon draft Proclamation are confined to wording of Section 33, but they raise following general questions.

1. They state that inasmuch as their concurrence in provisions of draft Proclamation was conditional upon satisfactory agreement being arrived at with Chief as regards Bamangwato Concession, they must make their assent to obligations to be imposed by the Proclamation conditional on such agreement being arrived at.

2. They ask for assurance that proclamation will not be applied to company's concession areas until this is done.

3. They ask that if agreement, when made, provides (as in case of 1929 draft) for obligation to pay to Bamangwato Trust Fund 5 per cent. net profits of all mining operations in Reserve, this liability should be placed by law on the claim-holder instead of the concessionaire and that in that event Proclamation should be amended accordingly.—THOMAS.

10141/97.

No. 81.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 330.)

Downing Street, 27th August, 1931.

SIR,

WITH reference to my telegram No. 97 of 27th August,‡ I have the honour to transmit to you a copy of the reply† from the British South Africa Company to the letter from this Department of 22nd July§ in regard to the revised draft of the Bechuanaland Protectorate Mining Proclamation. I shall be glad if you will consider the questions raised in this letter, and let me have your views upon them.

I have, &c.,
J. H. THOMAS.

10141/97.

No. 82.

SIR E. HARDING (DOMINIONS OFFICE)

to

SIR H. STANLEY (HIGH COMMISSIONER, SOUTH AFRICA).

Downing Street, 27th August, 1931.

MY DEAR STANLEY,

WE are sending you by this mail the letter from the British South Africa Company† about the Bechuanaland Protectorate Mining Proclamation which was summarized in the Secretary of State's telegram of the 27th August.‡ The despatch does not do more than formally ask for an expression of your views, but you may like to know that, so far as we have been able to go into the matter in the time available, our "reactions" to the questions raised in the latter half of the letter are as follows:—

It is, no doubt, the case that in the course of the local negotiations with the British South Africa Company's representatives which took place between 1928 and 1930, the enactment of a Mining Proclamation and an arrangement between Tshekedi

* No. 78. † No. 79. ‡ No. 80. § No. 77.

and the British South Africa Company as to the Khama Concession were conceived of as parts of a whole. It cannot, however, be contended that the issue of the Proclamation (which, after all, is intended to regulate mining in the whole of the Protectorate and the consideration of which was begun a good many years ago) was dependent on the proposed arrangement, or that the Government is prevented from proceeding with the Proclamation because negotiations between the Chief and the Company in regard to the proposed arrangement broke down in 1930 and because the arrangement has not yet been concluded. In so far, then, as the British South Africa Company were consulted at various stages in regard to the terms of the draft proclamation this was done in view of the interests which they hold in mineral concessions in the Protectorate, and it should not be taken to imply that the Government was, strictly, under an obligation to obtain, as they put it, "their assent to the various obligations to be imposed by the Proclamation." Equally, it would not seem practicable for the Government to bind itself by giving the Company, at their request, an assurance that the Proclamation will not be applied to the mineral Concession areas held by the Company until after an arrangement between the Company and the Chief has been reached, however unlikely, in fact, any question of doing so may be. It may be recalled that we have been careful to avoid giving any such assurance to those who pressed for it in the interests of the Bamangwato themselves.

As regards the point as to the liability of the claimholder (instead of the concessionaire) to pay the 5 per cent. of the mining proceeds in the Bamangwato Reserve to the Bamangwato Trust Fund, I find that this was raised in a letter from Malcolm of 18th June, 1929,* and that I sent a copy to Clifford on 27th June, 1929,* for his comments. Clifford does not, however, appear to have replied. It would seem that this point might be considered if and when it arises, but that here again the Company are scarcely in a position to press for the incorporation in the Proclamation of such a provision.

In any case I confess to considerable doubt whether it would be advisable to relieve the Company of the obligation.

We shall, of course, await your views on the various points. The immediate question is, perhaps, whether the publication of the draft proclamation, which you hoped to arrange in September, need be delayed until a reply has been sent to these representations by the Company. As far as we can see, it need not; and it would appear that, subject to a decision on the Company's comments on the wording of Section 33 of the Proclamation (which seems of no great importance), the publication of the draft proclamation could now be proceeded with as you propose, and a reply to the Company sent afterwards. Perhaps you will let us know by telegram what you propose as to this.

Yours, &c.,
E. J. HARDING.

10141/98.

No. 83.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received at 11.40 a.m., 31st August, 1931.)

[*Answered by No.* 85.]

No. 104. 31ST AUGUST. Your telegram of 27th August, No. 97.† Bechuanaland Protectorate Mining Law. As regards questions 1 and 2 British South Africa Company may be assured that Proclamation will not be applied to Bamangwato Reserve unless and until the Company is able to conduct Prospecting operations either under the existing Concession or a new workable Concession.

With reference to 3 and Section 33 of draft Proclamation, please see my despatch of 12th August, No. 438,‡ due in London to-day.—STANLEY.

---

* D. 7781/29: not printed. † No. 80. ‡ No. 84.

10141/99.

No. 84.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 1st September, 1931.)

[*Answered by No. 85.*]

(Bechuanaland Protectorate.)

(No. 438.)

SIR, High Commissioner's Office, Pretoria, 12th August, 1931.

I HAVE the honour to acknowledge the receipt of your despatch No. 267 of the 16th July* transmitting a copy of a letter from the Imperial Institute† containing further observations by the Legal Committee of the Institute on the draft of the Mining Proclamation of the Bechuanaland Protectorate forwarded with my despatch No. 322 of the 12th June.‡ I will consider these amendments seriatim.

2. *Section* 2 (1) (*p*) *and* (*r*).—I suggest that the most suitable term would be "the Chief and tribe concerned."

3. *The same Sub-Section.*—In view of the terms of Sections 43 and 45 of the Proclamation of the 10th June, 1891, which are well understood throughout the Protectorate, I do not think any company or individual engaged in mining operations would be likely to regard an agreement reached with an "occupier" as conferring adequate title to surface rights or easements unless and until it had reached the approval of the Government. On the other hand, the commencement of mining operations may affect individuals or companies not familiar with the laws of the country, and I agree that the insertion of the words "alienation or" before the word "consent" in Section 2 (1) (*p*) would certainly make the position clear to any prospector or miner who might be, or might be tempted to pretend to be, ignorant of it. The Sub-Section has been amended accordingly.

4. With regard to the remarks made by the Committee on the substitution of the High Commissioner for the Resident Commissioner in a number of sections of the Proclamation, I wish to explain that these amendments were made for the following special and confidential reasons. It is conceivable that the Administration of the Bechuanaland Protectorate may at some future date be transferred to the Union or Southern Rhodesia, or partitioned between them, and in either event the Resident Commissioner, as an Imperial Officer, might disappear. If Southern Rhodesia were entrusted with all or any portion of the government of the Territory, the supervisory powers which the High Commissioner at present exercises over native affairs in that colony would almost certainly be extended to include any portion of the Bechuanaland Protectorate transferred to Southern Rhodesia, and it is also possible that His Majesty's Government in the United Kingdom would cite the Rhodesian precedent in order to retain, through the High Commissioner, some supervisory powers over the administration of native affairs in respect of any transfer of Protectorate territory to the Union. With a view to any such eventuality I have endeavoured, as a matter of policy, to make the High Commissioner rather than the Resident Commissioner the custodian of native rights and interests. I realized at the time that if this principle was to be applied in its entirety it would be necessary to substitute the High Commissioner for the Resident Commissioner in the *omnibus* provision safeguarding native rights which appears as a proviso to Sections 44, 45 and 53, but I refrained from making these additional amendments in order to maintain the authority of the Resident Commissioner as my local representative in mining and other questions to the fullest possible degree. After careful consideration, however, I have decided that both of the above objects can be achieved, without sacrificing consistency, by making the following amendments to the Proclamation:—

Sections 42 (2), 44 (5), 45; 53 (4).—Insert before the words "Resident Commissioner" the words "High Commissioner or when deputed by him thereto the."

Section 84 (1) to read "84 (1). The High Commissioner may appoint an officer who, subject to the general authority of the Resident Commissioner, shall supervise and regulate the proper and effectual carrying out of the provisions of this Proclamation by Mining Commissioners or other officers duly appointed thereto, and may give such orders, directions or instructions as may be necessary: provided that—

In the absence of such appointment the powers and duties specified in this section shall be vested in and exercised by the Resident Commissioner."

* No. 76. † No. 75. ‡ No. 74.

63

Section 85 (2) should be amended to read "(2) appoint for the supervision of such area an officer to be styled a Mining Commissioner who shall be responsible to the Resident Commissioner for the regulation and direction of all matters relative to mining operations in accordance with this Proclamation within such district."

Section 85 (3).—Insert the words "under the Resident Commissioner" after the words "or other officer."

5. The only other Section where the High Commissioner has been substituted for the Resident Commissioner is in Section 7 (2). I should like to explain in connexion with this Sub-Section that the Companies protested very strongly against power being taken to cancel a prospecting permit, and though the High Commissioner was unable to give way on this point he agreed, as a compromise, to reserve this power to the highest authority in South Africa. But apart from these instances where considerations of policy render it desirable to nominate the High Commissioner rather than the Resident Commissioner as the responsible authority under the Proclamation, or those where the legislative functions of the High Commissioner are involved, I attach importance to the retention of the Resident Commissioner as the officer responsible for the administration of the Proclamation.

6. *Section* 10.—It should be observed that, whereas in Sub-Sections (*a*), (*b*) and (*c*) only the consent of the owner or the High Commissioner is necessary, it is clearly desirable that the occupier of a European-owned farm should be in a position to grant permission to the holders of a prospecting permit or their agents to conduct prospecting operations near cultivated or irrigated land. This is authorized by the Section as it stands but, if the amendment suggested by the Committee were made, it might be necessary to obtain the consent of the absentee owner of a farm before prospecting operations could be carried out near the crops of his tenant. Nevertheless I admit that the intentions of the Section might be expressed more clearly, and propose to amend Sub-Section (*d*) to read as follows: "(*d*) upon any cultivated or irrigated land provided that in respect of such land the written consent of the owner shall be deemed to have been obtained if it has been signified in writing either by the owner or by the occupier thereof or by some person duly authorized thereto by such owner or occupier." The definition of the term "occupier" would still require the consent of the Chief and his tribe and the approval of the High Commissioner before permission to prospect near cultivated or irrigated land in a native reserve could be granted or capriciously withheld.

7. I am obliged to the Legal Committee for kindly referring me to the regulations in force in Northern Rhodesia for the preservation of health and the ensurance of safety which I shall make use of, whenever practicable, when drafting Mining Regulations for the Bechuanaland Protectorate. I should also be obliged if you would convey to the Committee my appreciation of their valuable advice which has enabled me to incorporate a number of useful amendments in the Proclamation.

8. I enclose a copy of a letter which I have received from Sir Drummond Chaplin suggesting two further amendments for my consideration. I propose to inform him that, subject to your approval, I am prepared to accept the amendments to Section 33, since the main object of this section was to ensure that the holder of a mineral concession was a person or company of reputable standing and financial stability. There was no intention to obstruct the normal transfer or hypothecation of claims provided for under Sections 21 and 23. With regard to his second suggestion, I do not agree that the Proclamation should be concerned with the manner in which a concessionaire disposes of rights obtained, or fulfils obligations incurred, under an agreement entered into with a Chief. In order to protect the Chief and the Tribe power is taken to ensure that no concession is granted without the approval of the Secretary of State or, having been granted, is ceded to a third party, without the consent of the High Commissioner. Provision is also made for the collection of revenue due to the administration in respect of mining operations carried out on mineral concessions. But, once the High Commissioner is satisfied that the terms of a concession are equitable and that the holder of the concession is a person or company of substance and repute, the manner in which the obligations incurred by either party to it are discharged is a matter for agreement between the parties to the concession and, failing agreement, for decision by the Courts. If the terms of a concession were not being enforced by a Chief no doubt the High Commissioner would consider what steps, if any, should be taken to protect the interests of the tribe, but the terms of different deeds of concession entered into between Chiefs and concessionaires are likely to vary considerably, and it would be impracticable to provide for their enforcement in a Proclamation dealing with general questions of mining. Moreover, the Chief Tshekedi

has been repeatedly informed that there is no connexion between the Mining Proclamation and any particular concession, such as the Khama Concession. The Proclamation does not pretend to regulate or enforce the terms of a concession. It merely prescribes the conditions which must be fulfilled in order to obtain one, and the manner in which mining operations are to be conducted in areas which are subject to a mineral concession. I am unable, therefore, to agree to Sir Drummond Chaplin's proposal that provision should be made in the Proclamation for the discharge by the British South Africa Company or its agents of obligations incurred under a deed of concession

I have, &c.,
H. J. STANLEY,
High Commissioner.

Enclosure in No. 84.

THE RHODESIA CHARTERED AGENCY LIMITED.

Northern Assurance Company's Building,
106 and 110, St. George's Street,
Cape Town, 5th August, 1931.

DEAR SIR HERBERT,

Draft Bechuanaland Mining Proclamation.

IN my telegram of 20th June and letter of 25th June I stated that, so far as I could see, there was nothing in the proposed amendments to the draft Mining Law to which the Company would object. I have since heard from Sir Ernest Oppenheimer that, after examination of the draft, de Beers have no comments to make. There are, however, two points which have been referred to in previous correspondence and which you would perhaps take into consideration before the draft is finally settled:—

(1) *Section* 33. As the Section is now drafted the approval of the High Commissioner is required before the transfer of any mineral rights can be effected. In this case the term "mineral right" is understood to be synonymous with the term "mining right," *vide* Section 2 (1) (*o*), and to embrace all mining claims which may be established under any concession and in accordance with the provisions of the Proclamation.

As the pegging of claims under Part 3 of the Proclamation is to be carried out in all respects as on land open to prospecting (Section 29 (2)), the transfer of mining claims should be possible as provided in Section 21 (1)—that is, without the approval of the High Commissioner being first obtained. This point would be met by the deletion of the words "or of any mineral rights on any land" in Section 33 (1), but as the holder of a mineral concession may want to cede some of his rights thereunder to another person—*e.g.*, the exclusive right to prospect for and work a particular mineral—without ceding them all, it would be well, in addition, to insert the words "all or any of" before and the word "thereunder" after the words "his rights and obligations."

(2) If the object of the recent negotiations is achieved, a new Agreement between the British South Africa Company and Tshekedi will be necessary. If this Agreement should be on the lines of the draft enclosed in Mr. Eales' letter to me of the 10th May, 1929, the Company would be liable to pay annually to the Treasurer of the Bamangwato Trust Fund 5 per cent. of the net profits of all mining operations in the Bamangwato Reserve. In all probability actual mining will not be done by the British South Africa Company itself, but by a company or companies formed for the purpose. The payment, therefore, would, in practice (as pointed out in my letter to Mr. Eales of 13th May, 1929) have to be made by the people or company who might be the registered claim holders. It would seem, therefore, desirable to put the liability to pay the 5 per cent. of the net profits directly on the people or company doing the mining. This could be done by inserting a clause in the present draft Proclamation, but you may perhaps think it simpler to do it by an amending Proclamation to be issued if the Agreement ultimately to be made with Tshekedi makes it necessary.

Yours, &c.,
DRUMMOND CHAPLIN.

10141/99.

No. 85.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 7 p.m., 10th September, 1931.)

No. 102. YOUR despatch 12th August, No. 438,* I will refer to Imperial Institute drafting points dealt with in paragraphs 2 to 6 and proposed amendment of Section 33 of draft Proclamation, but there is no objection to publication now of draft Proclamation with amendments suggested in your despatch, if this is still desired, leaving further alterations, if any, to be inserted at a later stage.

As regards your telegram, 31st August, No. 104,† since question of replying to company is not urgent, suggest that you await Harding's letter of 27th August,‡ and let me have your further views by mail.—THOMAS.

10141/99.

No. 86.

DOMINIONS OFFICE

to

IMPERIAL INSTITUTE.

[*Answered by No.* 89.]

SIR,

Downing Street, 16th September, 1931.

WITH further reference to your letter of the 13th July,§ I am directed by Mr. Secretary Thomas to inform you that the High Commissioner for South Africa has now furnished his observations on the drafting points raised by the Legal Committee of the Institute in connexion with the draft Bechuanaland Protectorate Mining Proclamation at their meeting on the 10th July. The following is a summary of Sir H. Stanley's remarks.

2. *Sections* 2 (i), (*p*) *and* (*r*). The High Commissioner suggests that the most suitable term would be "the Chief and tribe concerned."

The same sub-section. In view of the terms of Sections 43 and 45 of the Proclamation of the 10th June, 1891, which are well understood throughout the Protectorate, the High Commissioner does not consider that any Company or individual engaged in mining operations would be likely to regard an agreement reached with an "occupier" as conferring adequate title to surface rights or easements unless and until it had received the approval of the Government. On the other hand, the commencement of mining operations may affect individuals or companies not familiar with the laws of the country and the High Commissioner agrees that the insertion of the words "alienation or" before the word "consent" in Section 2 (i) (*p*) would make the position clear to any prospector or miner who might be, or might pretend to be, ignorant of it. He has, therefore, amended the Sub-Section accordingly.

With regard to the comments of the Committee in regard to the substitution of the High Commissioner for the Resident Commissioner in certain sections of the Proclamation, Sir H. Stanley explains that, as a matter of policy, he has endeavoured to make the High Commissioner rather than the Resident Commissioner the custodian of native rights and interests. This was indicated in paragraph 5 (*b*) of his despatch of 30th April,‖ a copy of which was sent to you in the letter from this Department of 30th June.¶ Sir H. Stanley states that he realized that if this principle was to be applied in its entirety, it would be necessary to substitute the High Commissioner for the Resident Commissioner in the *omnibus* provision safeguarding native rights which appears as a proviso to Sections 44, 45 and 53, but that he refrained from making these additional amendments in order to maintain the authority of the Resident Commissioner as the High Commissioner's local representative in mining and other questions to the fullest possible degree. After careful consideration, however, he has decided that the following amendments might properly be made:—

Sections 42 (2), 44 (5), 45, 53 (4). Insert before the words "Resident Commissioner" the words "High Commissioner or, when deputed by him thereto, the."

---

* No. 84. † No. 83. ‡ No. 82. § No. 75. ‖ No. 66. ¶ No. 73.

Section 84 (1) to read " 84 (i). The High Commissioner may appoint an officer who, subject to the general authority of the Resident Commissioner, shall supervise and regulate the proper and effectual carrying out of the provisions of this Proclamation by Mining Commissioners or other officers duly appointed thereto and may give such orders, directions or instructions as may be necessary; provided that:

in the absence of such appointment the powers and duties specified in this section shall be vested in and exercised by the Resident Commissioner."

Section 85 (2). Amend this section to read:—

" (2) appoint for the supervision of such area an officer to be styled a Mining Commissioner who shall be responsible for the regulation and direction of all matters relative to mining operations in accordance with this Proclamation within such district."

Section 85 (3). Insert the words " under the Resident Commissioner " after the words " or other officer."

Sir H Stanley states that the only other section where the High Commissioner has been substituted for the Resident Commissioner is in Section 7 (2). He explains in connexion with this Sub-Section that the companies strongly protested against power to cancel a prospecting permit being taken, and that though his predecessor was unable to give way on this point, he agreed, as a compromise, to reserve this power to the highest local authority (*i.e.*, the High Commissioner. He adds that, apart from these instances, where considerations of policy render it desirable to nominate the High Commissioner rather than the Resident Commissioner as the responsible authority under the Proclamation, or those where the legislative functions of the High Commissioner are involved, he attaches importance to the retention of the Resident Commissioner as the officer responsible for the administration of the Proclamation.

Section 10. The High Commissioner observes that, whereas in Sub-Sections (*a*), (*b*) and (*c*) only the consent of the owner or High Commissioner is necessary, it is clearly desirable that the occupier of a European-owned farm should be in a position to grant permission to the holders of a prospecting permit or their agents to conduct prospecting operations near cultivated or irrigated land. He points out that this is authorised by the section as it stands, but that, if the amendment suggested by the Committee were made, it might be necessary to obtain the consent of the absentee owners of a farm before prospecting operations could be carried out near the crops of his tenant. The High Commissioner agrees, however, that the intentions of the section might be expressed more clearly and he proposes to amend Sub-Section (*d*) as follows:—

" (*d*) upon any cultivated or irrigated land provided that in respect of such land the written consent of the owner shall be deemed to have been obtained if it has been signified in writing either by the owner or by the occupier thereof or by some person duly authorized thereto by such occupier or owner." The High Commissioner adds that the definition of the term " occupier " would still require the consent of the Chief and his tribe and the approval of the High Commissioner before permission to prospect near cultivated or irrigated land in a native reserve could be granted or capriciously withheld.

3. At the conclusion of his observations on the comments made by the Legal Committee, Sir H. Stanley expresses his obligation to the Committee for referring him to the regulations in force in Northern Rhodesia for the preservation of health and the assurance of safety and adds that he will make use of them, whenever practicable, when he is drafting Mining Regulations for the Bechuanaland Protectorate. He adds that he would be obliged if an expression of his appreciation could be conveyed to the Committee for their valuable advice, throughout, which has enabled him to incorporate a number of useful amendments in the Proclamation.

4. In addition to the points referred to above, a question has arisen in regard to Section 33 of the draft Proclamation. The representative of the British South Africa Company in South Africa has observed to the High Commissioner that, as the section now stands, the approval of the High Commissioner is required before the transfer of any mineral rights can be effected. He understands that in this case " mineral right " is synonymous with the term " mining right " of Section 2 (i) (*o*) and embraces all mining claims which may be established under any concession and in accordance with the provisions of the Proclamation. He submits that, as the pegging of claims under Part 3 of the Proclamation is to be carried out in all respects as on land open to prospecting (*vide* Section 29 (2)) the transfer of mining claims should be possible as provided in Section 21 (i) without the approval of the High Commissioner being first obtained. He suggests that this point would be met by the deletion of the words " or

of any mineral rights on any land " in Section 33 (1), and states that as the holder of a mineral concession may want to cede some of his rights thereunder to another person, *e g.*, the exclusive right to prospect for and work a particular mineral—without ceding them all, it would be well, in addition, to insert the words " all or any of " before and the word " thereunder " after the words " his rights and obligations."

The High Commissioner states, in regard to these representations on behalf of the British South Africa Company, that since the main object of Section 33 is to ensure that the holder of a mineral concession is a person or company of reputable standing and financial stability and since there is no intention of obstructing the normal transfer or hypothecation of claims provided for under Sections 21 and 23, he proposes to accept the amendments suggested.

5. The Secretary of State would be glad to learn as soon as possible whether the Legal Committee of the Institute have any further observations to make on the points referred to in this letter. Since, as will be remembered, the High Commissioner is anxious to publish the draft Proclamation locally in September, the Secretary of State has informed him by telegram that there is no objection to the publication now of the draft Proclamation incorporating the amendments (indicated above) which he proposed to make, leaving further alterations, if any, to be inserted at a later stage.

6. I am to take this opportunity of transmitting again the Imperial Secretary's Memorandum* on the ownership of Surface and Mineral Rights in the Bechuanaland Protectorate, as requested in your letter of 13th July,† in order that a copy may be made and retained by the Institute for reference. I am to ask that the Memorandum may be returned to this Department in due course.

I am, &c.,
E. G. MACHTIG.

10141/101.

No. 87.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 7.10 p.m., 17th September, 1931.)

[*Answered by No. 88.*]

No. 114. 17TH SEPTEMBER. Your telegram of 27th August No. 97.‡ As now amplified by Harding's letter of 27th August,§ you will have observed from my telegram of 31st August, No. 104,‖ that I see no objection to giving assurance desired by British South Africa Company in regard to application of Mining Proclamation if such assurance is confined to Bamangwato Reserve. I understand that view of my predecessor, which is also my view, was that Government was under no obligation to obtain assent of Company to " various obligations imposed by Proclamation." There was, however, an oral understanding that Proclamation would not be applied in its present form to Bamangwato Reserve without assent of Company so long as power taken under Clause No. 29 (†) which arbitrarily limits to 25 years the perpetual concession originally granted by Khama is retained. To this extent the Proclamation was an agreed measure, but Government right to apply other provisions including taxation provisions was not made conditional on a workable concession being obtained by the Company from Chiefs. I was under the impression that Company was merely asking for confirmation of the above understanding.

In this connexion it should be noted that de Beers, as holders from British South Africa Company of precious rights under Khama concession did not demand any similar understanding although their concessionary rights are restricted by Clause No. 39 (1). Their position differs from that of British South Africa Company in two important respects, namely (*a*) that they are not liable for rental, all of which has to be paid by British South Africa Company as holder of concession, and (*b*) that they are anxious to restrict for the present the output of diamonds, and have, therefore, raised no objection to provisions of Clause 39 (1), as they are prepared to trust High Commissioner to use his power reasonably. I strongly adhere to view expressed in paragraph 8 of my despatch of 12th August, No. 438,¶ in regard to Company's contention that liability to pay 5 per cent. of profits should by specific provision in

* Enclosure in No. 74. † No. 75. ‡ No. 80. § No. 82 ‖ No. 83. ¶ No. 84.

Proclamation be imposed on claims holder. I wrote to Chaplin on 15th August* explaining my views and giving my reasons without of course committing you. I have heard nothing further from him.

I now propose to publish draft Proclamation together with explanatory memorandum amended in accordance with Harding's letter of 20th August† and to have draft Proclamation shown and explained to Native Advisory Council and Tshekedi. Please telegraph whether any objection to publishing Clause 33 amended as proposed in paragraph 8 of my despatch of 12th August.—STANLEY.

10141/101.

No. 88.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 1 p.m., 21st September, 1931.)

No. 110. Your telegram 17th September, No. 114.‡ Please see my telegram 10th September, No. 102.§ No objection to publication of draft proclamation as proposed, but as regards British South Africa Company would prefer to await despatch from you before replying to their letter 17th August.‖—THOMAS.

10141/102.

No. 89.

IMPERIAL INSTITUTE

to

DOMINIONS OFFICE.

Imperial Institute,
London, S.W.7, 25th September, 1931.

SIR,

Your letter of the 16th September¶ relating to the draft Bechuanaland Protectorate Mining Proclamation has now been considered by the Chairman of the Legal Committee of this Institute and the Legal Consultant, and I am in a position to communicate to you their comments upon it:—

2. *Section* 2 (i) (p) *and* (r). They agree that the most suitable term would be "the Chief and tribe concerned."

3. *Section* 2 (i) (p). "Alienation or consent"—they note and agree.

4. "*High Commissioner*" *and* "*Resident Commissioner.*" They entirely agree that Sir H. Stanley is the best judge of the distribution of powers and duties between the High Commissioner and the Resident Commissioner.

5. *Section* 10 (*d*). They now appreciate the necessity of providing that the consent of the occupier shall be adequate in this case, and they consider that the new paragraph (*d*) suggested by Sir H. Stanley is an improvement.

6. *Section* 33 (1), as amended in accordance with Sir H. Stanley's proposals would read as follows:—

> "The holder of a mineral concession may, with the approval of the High Commissioner, cede or transfer all or any of his rights and obligations thereunder to any other person."

They agree that, if, as seems to be the case, the term "mineral rights" is equivalent to the term "mining right" in Section 2 (i) (o), the imposition of the High Commissioner's approval as a necessary condition of the transfer of any or every right might in practice prove burdensome and might hamper proper development. At the same time it will be noticed that this section gives power to transfer duties as well as rights. If the High Commissioner is satisfied that, in spite of a transfer it will, nevertheless, be possible to hold the concessionaire liable for any breach of those duties by the assignee, then the proposed amendment would appear to be safe. It is not easy for anyone here to visualize the local conditions, but it seems possible that under the section amended as above an original concessionaire might, by transferring substantial mining rights falling short of the complete concession, virtually substitute for himself a person very much less acceptable and less able than himself

* Enclosure in No. 92. † 10141/95: not printed. ‡ No. 87. § No. 85. ‖ No. 79. ¶ No. 86.

to fulfil the duties of the concession. Moreover, concessions are granted, with the approval of the High Commissioner, "by or on behalf of a ruling chief," who might find difficulty in dealing with a transferee who was unable or unwilling to carry out his duties. It is possible that these remarks raise a bogey. The question is, how much can a concessionaire transfer without transferring his concession? Surely a great deal. A concessionaire might sell a mining claim to a purchaser who formed, for the purpose of working it or for the purpose of inducing the public to subscribe for shares, a company of doubtful reputation and financial standing.

If the Secretary of State should consider that there is substance in this point, perhaps it might be met by the insertion of a proviso after Sub-Section (1) of Section 33, as amended above, running somewhat as follows:—

> "Provided that no cession or transfer by the holder of a mineral concession of any rights or obligations thereunder to any other person shall operate so as to discharge the holder of the concession from his obligations thereunder in the event of default on the part of his assignee in the discharge of those obligations."

The analogy of the English lease appears to be relevant. The lessee may, in the absence of a prohibition therein, assign his lease or make a sub-lease, but he cannot get rid of his liability to his lessor in the event of default on the part of the actual occupant of the premises.

It is possible that some proviso such as that suggested above might ensure caution on the part of the concessionaire in selecting the persons to whom he cedes or transfers his rights.

7. The Imperial Secretary's memorandum referred to in the final paragraph of your letter is now being copied and will be returned to you in due course.

I am, &c.,
W. T. FURSE,
Director.

10141/102.

No. 90.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 382.)

Downing Street, 30th September, 1931.

SIR,

WITH reference to my despatch No. 361 of the 16th September,* I have the honour to transmit to you the accompanying copy of a letter from the Imperial Institute† conveying the observations of the Legal Committee of the Institute on the points raised in paragraphs 2 to 6 of your despatch No. 438 of the 12th August,‡ and also on the proposed amendment of Section 33 (1) of the draft Mining Proclamation.

2. I shall be glad if you will give further consideration to the question of the amendment of Section 33 (1) of the draft Proclamation in the light of the suggestion contained in paragraph 6 of this letter.

I have, &c.,
J. H. THOMAS.

20285/16.

No. 91.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 6th October, 1931.)

[*Answered by No.* 93.]

(Bechuanaland Protectorate.)
(No. 484.)

High Commissioner's Office, Pretoria, 16th September, 1931.

SIR,

I HAVE the honour to report that Sir Drummond Chaplin has, on behalf of the British South Africa Company, formally confirmed the offer to transfer to the Govern-

* 10141/99: not printed. † No. 89. ‡ No. 84.

ment 20,000 morgen of land in the Gaberones block on the two conditions set out in my telegram *No.* 69 of the 13th June.* Since the events reported in that telegram, the Imperial Secretary has carried out a survey and inspection of the land—

(*a*) between the Nata and Meitingwe Rivers;

(*b*) between the Ntwetwe and Shoa pans of the Makarikari Lake; and

(*c*) north of the Botletle River between Rakops and the Makarikari Lake.

He has drawn up a map of these regions, a very rough tracing of which was, I understand, sent direct to the Dominions Office from Mafeking. It will be observed from this map that the geographical formation of the country facilitates the detachment of all three areas from the Crown Lands to which they at present belong. The Nata River, for example, forms a natural boundary between area (*a*) and the Crown Lands. Area (*b*) is cut off from the Crown Lands by the Makarikari Salt Lake on all sides except the north, while area (*c*) is part of a salient of Crown Land projecting into the Bamangwato Reserve.

2. The Imperial Secretary reports that a considerable portion of the country between the Nata and Meitingwe is annually flooded by the former river, and is, for this reason, malarious and unsuitable for European habitation or railway purposes. It is already inhabited by natives but to a lesser extent than the land north of the Botletle River, which is comparatively thickly populated by tribes nominally owing allegiance to Tshekedi. Owing to the congestion along the Botletle in this region and to the waterless nature of the Reserve at any distance from the river, it would be a difficult task to provide other accommodation for these natives if it became necessary to move them elsewhere. The area between the two sections of the Salt Lake is not inhabited, and although it is good cattle country the water obtained from well sinking is decidedly brackish and not very palatable for human beings.

3. Although the area of land included in these regions is considerable, their value to the Government is materially reduced for the reasons set out above, and in the case of the Botletle River area the difficulty of ejecting the natives residing on it would render its inclusion in the Bamangwato Reserve more of a necessity than a sacrifice.

4. The position of Tubukai is shown in the map prepared by Captain Clifford in 1929, which is published in the Geographical Journal of January, 1930. The country around Tubukai contains good grazing but, as will be seen by referring to the above map, it gives place, as the Botletle River is approached, to Kalahari sand-veld. The area between Namissan and the Batawana was investigated by Mr. Elenberger at my request. I enclose a copy of his report upon it, from which it will be seen that there are small numbers of natives living along the north bank of the river, and that the adjoining Crown Lands contain fair grazing for cattle.

5. Having obtained the above information about the country involved in the negotiations with Tshekedi, and having learned that the Chief had himself inspected these areas, I resumed at Serowe on 27th August the discussions of this question at the point where they were adjourned during the Cape Town interview. Tshekedi brought with him a very large number of headmen and followers—I should say not less than fifty. They remained in the background at the commencement of the discussion but some of them were subsequently questioned regarding the quality of the veld in areas with which they were acquainted. I concluded from their evidence that they did not appreciate very clearly the nature of the transaction that was being discussed.

6. Although the Chief again assured me that he was anxious to avoid litigation with the Company, he pretended that the land I had offered to him at Cape Town was of little value and endeavoured to drive a very hard bargain. Failing to reach any conclusion on the 27th August at Serowe, the negotiations were resumed the next day at Palapye Road whither the Chief and a few followers proceeded to meet. Tshekedi was, if anything, more unaccommodating on this occasion and finally I had to conclude the proceedings by informing him that I would set out in a letter a number of alternative propositions for him to submit to his people. I enclose a copy of this letter from which it will be seen that I made it clear to him that all but one of these offers was made subject to your approval. You will observe that I have defined the boundaries of the areas and the conditions on which I would agree to negotiate as precisely as possible so that there could be no further quibbling, and I emphasized the fact that any one of these offers represented the maximum concession I was prepared to recommend for your favourable consideration.

7. I suspected from the attitude adopted by Tshekedi throughout these discussions that he was relying on securing ultimate possession of the Crown Land already

* No. 70.

effectually occupied by his people without having to offer anything in exchange, and that he was endeavouring to obtain Crown Land into which his people had not already penetrated in return for the land the Company was prepared to give the Government near Gaberones. In case no agreement could be reached, I thought it expedient to place on record, for the information of his successors and the tribe, the generous nature of the Government's offer, and to warn Tshekedi that if he failed to take advantage of the present opportunity of making provision of those of his people who were at present living on Crown Land, they would have to blame him and not the Government if it was found necessary to evict them at some future date.

8. The Magistrate at Serowe reports that Tshekedi is still considering, in consultation with his people, the alternative offers set out in my letter of 30th August. In the meantime, I should be obliged if you would notify me by telegraph whether you are prepared to agree to all or any of the areas comprised in "B," "C," and "D," being added to the Bamangwato Reserve subject to the conditions I have laid down in my letter to the Chief.

9. I hope to be able to forward by next mail a better copy of the map prepared by the Imperial Secretary, as I understand the tracing sent from Mafeking, though accurate enough, was hastily prepared.

I have, &c.,
H. J. STANLEY,
High Commissioner.

Enclosure 1 in No. 91.

THE ASSISTANT RESIDENT COMMISSIONER, MAFEKING.

WITH reference to your minute No. 3385 of 4th June, I have to report that the distance from Makalamabedi Beacon to Menoakwena is 42.9 miles, from Menoakwena to Ngamisanie 10.4 miles, and from Ngamisanie to the point where the Botletle River turns south 7.6 miles.

I walked inland from the point where the River turns south, and from Menoakwena, to obtain first-hand knowledge of the nature of the country; what I saw struck me as being admirably suited for cattle, but of no value for cultivation, as the soil is all sand. A belt of thick Mosclesele thorn bush varying in depth from half a mile to two miles fringes the northern bank of the River all the way; this gives way to open patches of grass with camelthorn trees and Moretlwa bush (no thorns), beyond which, I was informed by natives, there is a vast "white" (grass) plain. To the north and east of the point where the River turns south there is a very gradual rise for about a mile. Beyond this the country appeared to be quite flat. At Menoakwena the ground undulates sharply for a quarter of a mile inland. From the top of one of these rises I was able to see large tracts of open grass-veld fringed with trees.

It is significant that Nicodemus' Damara have cattle-posts on the north side of the River, as it is well known that they have an unfailing instinct for finding the best grazing for their cattle.

Game and lions are plentiful. All cattle drink at pools in the Botletle; the water is vile and the pools swarm with crocodiles. Fresh water is easily obtained in the river bed by digging to a depth of one or two feet.

Last year the Okavango flood waters reached a point only six miles east of Makalamabedi, and natives further east told me that the pools were much lower this year than last. At the moment of writing the Thamalakane River at Maun is rising at the rate of two inches a day, and it is hoped that the waters reach considerably further east than they did last year.

The valley of the Botletle from Dimbo's to Ngamisanie has been extensively ploughed, by the Bamangwato.

Information from natives at Dimbo's and from our Police at Makalamabedi as regards the nature of the country to the north of these places tallies with my own observations at Menoakwena and at the point east of Ngamisanie, where the River turns south.

It may be of interest if I state that at Rutel's cattle-post (at the point where the River turns south) I picked up a Damara who showed me a motor car spoor within ten minutes' walk of the River. He told me that two lorries had come from Rakops some four months ago, and that he had piloted them to Metsebotlhoko, where they made a dump before returning to Rakops (via Dikwalom), and that ten days before

(about 1st July) the lorry, of which we now saw the tracks, had arrived from the east and had gone on to Rakops. He had ascertained from the driver that "they were making a railway line."

The Damara who have cattle-posts on the north side of the River are:—

Kaitopeke.	Ulose (Jules).	Kotshindu.
Leketemos.	Skorane.	Rutel.
Menelaus.	Jahe.	Kotjoo.

The posts are in the charge of herds, the owners being at Mopipi. Lucas and Otimiel were in charge at Rutel's post where I counted between 300 and 400 head of cattle.

I attach a rough sketch-map.*

V. Ellenbreeker.
Ag. Resident Magistrate.

Maun, Ngamiland,
16th July, 1931.

Enclosure 2 in No. 91.

High Commissioner's Train,
Tsessebe, 30th August, 1931.

My Friend,

You will recollect that when you came to see me in Cape Town you informed me that your people would have no objection to mining in their Reserve if they were given some land in the Crown lands. I replied that the British South Africa Company could not offer you the land you wanted because it belonged to the Government, and that the Government was under no obligation to surrender Crown land in order to enable the Company and the Bamangwato to come to an agreement to which the Government was not a party, and from which the Government could not expect to derive any direct benefit.

At the same time, I explained that I was anxious to promote peace and goodwill, and, if possible, to obviate litigation between you and the Company, as apart from the uncertainty of the result, I particularly desired to see an end of the succession of legal actions, petitions, and counter-petitions, which recently have disturbed the Tribe.

I further explained that although I was not prepared to intervene in any negotiations between you and the Company, I wished you to feel that you could always come to me as to a father for advice, and that if the British South Africa Company were prepared to give the Government something reasonable in exchange, I would consider whether it would be possible for me to help you by letting you have some land in the Crown lands. I then invited you to state what land it was you wanted.

You will no doubt remember that you began by asking for an area which comprised nearly all the Crown land north of the Botletle and east of the Nata Rivers that was of any value. This request I was quite unable to entertain, but after further conversation I agreed to consider whether in the event of your coming to an agreement with the British South Africa Company, it would be possible for me to let you have the following areas:—

1. The land between the Nata and Maitengwe Rivers.
2. A strip of land along the north bank of the Botletle River between Rakops and the Makarikari Lake.
3. A substantial area of land north of the Botletle River between Menoakwena and the boundary of the Batawana Reserve.

I explained that before I could give any undertaking, I should have to:—

(*a*) consult the Secretary of State;
(*b*) send Captain Clifford to survey and inspect the land;
(*c*) obtain a promise of some compensatory payment in cash or land from the British South Africa Company.

During the above discussions I explained that it was essential that the Crown should retain all land in regions likely to be traversed by any of the proposed railway routes, and that for this reason I could not let you have the land east of the Botletle between Rakops and Menoakwena, and that I was disinclined to allow the north-western boundary of the Reserve to extend beyond the Nata River.

You replied that you and your Tribe were also anxious to avoid litigation and come to an understanding with the Company, and you thought that if some such

* Not reproduced.

land as that mentioned above could be added to the Bamangwato Reserve an agreement could probably be reached, but you would like first to go and inspect the land yourself.

Since the above conversations—

(*a*) I have received from the British South Africa Company an offer of land (which I would propose to assign to one of the smaller tribes in the Southern Protectorate) provided that a satisfactory agreement is reached which will enable the Company to mine in the Bamangwato Reserve, and provided further that a Mining Proclamation acceptable to the Company is promulgated at an early date;
(*b*) I have received the consent of the Secretary of State to transfer to your Tribe the Crown lands mentioned above in exchange for the compensation offered by the Company to the Government as explained under item (*a*);
(*c*) Captain Clifford has surveyed and reported upon these areas;
(*d*) you have concluded your tour of inspection of the land involved;
(*e*) discussions were resumed between us at Serowe and Palapye Road on August 27th and 28th.

When we resumed our discussions at Serowe, you again informed me that you and your Tribe were anxious to avoid litigation, and would be prepared to grant mining facilities if Crown land were added to your Reserve. But you stated that as a result of your recent inspection you had come to the conclusion that the land between the Nata and Maitengwe Rivers and that north of the Botletle was of little value. You then asked for additional land, mentioning the country lying between the Sebonini and Nata Rivers, the land around Mumpswe and the land south-west of Tubukai.

I replied that while I might be prepared to ask the Secretary of State to let you have the land south-west of Tubukai or south of Mumpswe in exchange for other land under discussion, consideration for future railway development precluded me from asking the Secretary of State to agree to give you land north of N'kati, or between the Nata and Sebonini Rivers. I added that even if I were prepared to recommend any further surrender of land in these regions (which I am not) the Secretary of State would be very unlikely to give his approval.

With regard to the land north of the Botletle River between Rakops and the Makarikari, Headman Gopilan explained that the Crown land in the river bed along the northern bank of the Botletle was ploughed by your people and that they grazed their cattle in the grass lands beyond. He agreed with you that the grazing was not very good, but said that large numbers of cattle were in fact grazing on it and that many of your people were living there. A list compiled from the Hut Tax Register showed that no less than 65 heads of families and adults liable to Hut Tax live on the small area of the Crown lands north of the River between Rakops and Gomo. The headmen who were questioned agreed that if your people were turned off this land they would have nowhere else to go. I thought before, and I still think, that it would be of very great benefit to these people if they could be secured in the possession of the land they at present occupy. I hope, therefore, that if you decide to accept any offer which I may make to you, you will not lightly disregard the claims of these people to your consideration, since, if you fail to take the present opportunity of providing for them, the Government could not be expected to make other provision for them in the event of their being compelled to move at some future date.

As to the land between the Nata and Maitengwe Rivers, Tumiso said that part of the land was good, but very narrow, like a giraffe's neck, and that, where it was broader, part of it was of little use, but that between Tsekannyane's and the place where the rivers meet, there was good grazing and plenty of water.

You yourself asked for the land near Tubukai, and stated that it contained good grazing, while the Magistrate at Maun, who inspected the land north of the Botletle between Menoakwena and the Batawana Reserve, reported that it contained some good grazing and that the river bed was being ploughed by your people.

With regard to the land south of N'kati, which I said I might be prepared to let you have if I could obtain the approval of the Secretary of State, it was agreed by yourself and Phetu that there was good grazing around N'kati, Mibole and Mumpswe, Tsigara and Thaba'tskudu, but that the land between Tsigara and the Lake was of little value.

I explained to you as carefully and clearly as I could the various alternatives which I could consider, and in conclusion, I informed you that I would take the earliest opportunity of putting my proposals into writing so that you could study them carefully and discuss them with your people. Subject to the mineral rights on any Crown land which I might grant to your Tribe being reserved to the Crown, and subject to your

negotiations with the Company resulting in their being able to give me the compensation provisionally agreed upon, I am prepared to seek the Secretary of State's approval to give to you any one of the following four areas of land.

"A" Original Offer on Lines Discussed at Cape Town.

1. The land lying between the Nata and Maitengwe Rivers—approximately 60,000 morgen.

2. The land to the north of the Botletle River lying between Rakops and the Makarikari Lake and bounded on the north by a straight line running from Rakops in an easterly direction to a beacon to be erected in longitude 20° 40' and latitude 21°, and thence by a straight line approximately parallel to the course of the Botletle River until it strikes the Makarikari Salt Lake. It is estimated that this piece of land would on an average be about 16 miles broad (say, about one day's trek by oxen from the Botletle River), and 45 miles long, and would include an area of about 200,000 morgen.

3. The land north of the Botletle River between a line running due north from Menoakwena for an agreed distance, say, 25 miles, and including approximately 170,000 morgen of land. This does not include the land around Tubukai.

"B" Offer, made at Palapye Road.

1. The land comprised within the following boundaries: on the south the Botletle River, on the east a line running from Menoakwena to Tubukai; on the north a line running due west from Tubukai to the Batawana border. This includes the Tubukai area and amounts to about 240,000 morgen.

2. The land lying to the north of the Botletle River between Rakops and the Makarikari Lake (No. 2 of offer "A"), amounting to about 200,000 morgen.

"C" Offer, made at Palapye Road.

1. The land north of the Botletle River between a line running due north from Tubukai (No. 1 of Offer "B"), amounting to about 240,000 morgen.

2. The land bounded as follows: on the north by a line commencing at a point on the Nata River near the junction of the Nata and Madsiara Roads, and thence drawn direct to N'kate, and thence due west until it strikes the chain of pans running from the Makarikari Salt Lake towards Metsematluko, thence down the eastern edge of that branch of the Makarikari known as the Mokoamoto (including Thaba'tskudu) until it reaches the present boundary of the Bamangwato Reserve near the village of Mekomxana; thence east along the present boundary of the Reserve back to the starting point on the Nata River. This amounts to a total area of about 700,000 morgen, of which nearly 300,000 morgen is grazing land, and 400,000 Makarikari.

"D" Offer, Maximum Offer, Palapye Road.

1. The land north of the Botletle River between the Batawana Reserve and Menoakwena for an agreed distance, say, 25 miles (No. 3 of Offer "A"), amounting to about 170,000 morgen.

2. The land north of the Botletle River lying between Rakops and the Makarikari Lake (No. 2 of Offer "A"), amounting to about 200,000 morgen.

3. The land between the Makarikari Lake and straight lines drawn from Madsiara through Mabole to Mumpswe, and thence due west to the chain of pans running from the Makarikari Salt Lake to Metsematluko, thence down the eastern edge of that branch of the Makarikari known as the Mokoamoto (including Thaba'tskudu) until it reaches the present boundary of the Bamangwato Reserve near the village of Mekomxana, thence east along the present boundary of the Reserve back to the starting point at Madsiara; this would amount to approximately 650,000 morgen.

The only one of these alternatives which I am in a position to offer without further reference to the Secretary of State is that described as Offer "A." but I would endeavour to secure the Secretary of State's consent to any of the other offers described, namely, "B," "C," or "D," if you were to inform me that you and your people desired to accept it.

I shall be glad if you will communicate the contents of this letter to your councillors, and advise me with the least possible delay, whether or not you and your Tribe desire to accept one of the four offers, and, if so, which of them. I need hardly emphasize that all these alternative suggestions are conceived on very generous lines. Any one of them far exceeds in area and value the land obtainable by the

Government in compensation from the British South Africa Company. I desire to make it perfectly clear forthwith that I should not be able to contemplate any offer exceeding the respective areas and delimitations specified in offers "A," "B," "C," or "D."

I am, &c.,
H. J. STANLEY,
High Commissioner.

The Acting Chief Tshekedi Khama,
Serowe.

10141/103.

No. 92.

DESPATCH
from
HIGH COMMISSIONER, SOUTH AFRICA.

(Received 13th October, 1931.)

(Bechuanaland Protectorate.)
(No. 496.)

High Commissioner's Office,
Pretoria, 23rd September, 1931.

Sir,

I conclude from your telegram No. 110 of the 21st September* that you are expecting a despatch from me before you reply to the British South Africa Company's letter of the 17th August† enclosed in your despatch No. 330 of the 27th August.‡

2. In paragraph 8 of my despatch No. 438 of the 12th August§ I explained that I was prepared to amend Section 33 of the draft Mining Proclamation in the terms proposed in Sir Drummond Chaplin's letter to me of the 5th August,‖ and you will notice that the text of the amendments asked for by Sir Drummond is identical with that of the amendments to the same Section suggested by the Directors in paragraph 4 of the Company's letter of the 17th August to the Under-Secretary of State. These amendments have been included in the draft of the Proclamation which I have your authority to publish.

3. In the same paragraph of my despatch of the 12th August, I explained that I could not accept the Company's contention that their liability to pay 5 per cent. of all profits from mining operations in the Bamangwato Reserve should by specific provision in the Proclamation, be transferred from the concessionaire to the claim-holder, and in the penultimate paragraph of my telegram No. 114 of the 17th September,¶ I informed you that I had written to Sir Drummond Chaplin on the 15th August explaining the reasons for my attitude. I enclose, for your information, a copy of this letter, to which I have received no reply.

4. The only other point raised in the Company's letter of the 17th August was the Directors' contention that their assent to the various obligations imposed by the Proclamation was conditional on a satisfactory agreement being reached with the Chief. I have given further consideration to their contention but I do not feel able to add anything substantial to the relevant contents of my telegrams No. 104 of the 31st August** and No. 114 of the 17th September. I still think that, in all the circumstances, it would be reasonable to give the Company an assurance that, so long as the power taken under Clause 29 (1), which arbitrarily limits to 25 years the indeterminate concession originally granted by Khama, is retained, the Proclamation will not be applied to the Bamangwato Reserve without the Company's assent. The Company's assent should not, however, be requisite, either if the Company were exempted in respect of the Bamangwato Reserve from the provisions of Clause 29 (1), or if the Company obtained from the Chief a new Concession, in which event a term of grace, not exceeding six months, might fairly be allowed for the preparation of prospecting operations.

I have, &c.,
H. J. STANLEY,
High Commissioner.

---

* No. 88. † No. 79. ‡ No. 80. § No. 84. ‖ Enclosure in No. 84. ¶ No. 87. ** No. 83

Enclosure in No. 92.

High Commissioner's Office,
Pretoria, 15th August, 1931.

MY DEAR CHAPLIN,

I THANK you for your letter of the 5th August in which you inform me that de Beers have no comments to make on the draft Mining Proclamation so far as it affects their interests.

With regard to the further amendments which you submitted on behalf of the British South Africa Company, I have informed the Secretary of State that, subject to his approval, I would be prepared to accept your proposed alterations to Section 33 since the main object of this Section was to ensure that mineral concessions were not transferred to other than reputable persons or companies of standing and financial stability. There was no intention to employ its provisions for the purpose of obstructing the normal transfer or hypothecation of claims for which provision is made in Sections 21 and 23.

I fear, however, that it would not be possible to meet your request to make provision in a Proclamation dealing with the general questions of mining for the execution of the provisions of a private agreement between a Chief and any individual or company. The Proclamation as it stands merely defines what a mineral concession is, provides for the registration and transfer of such concessions, their maximum duration and the manner in which mining is to be conducted in concession areas. It is not concerned with the terms of a concession, which may vary widely in different circumstances, nor with their enforcement. This is a matter for the parties to the concession to decide by agreement between themselves or by appeal to the Courts. If, as you seem to contemplate, the British South Africa Company were to transfer its rights and obligations under the proposed new Concession to another company, I have no doubt that the British South Africa Company would find it convenient to arrange for the agreed percentage of the profits on mining operations in the Reserve to be paid by the transferee direct to the Treasurer of the Bamangwato Trust Fund. The Treasurer would doubtless accept any good cheque tendered to him without asking questions, but the Administration must insist upon the individual or the company who is the *registered holder* of the concession *remaining liable* for the fulfilment of its terms. If, however, the British South Africa Company transferred its concession to a third party approved by the High Commissioner in accordance with Section 33 (1), and the transfer was registered as prescribed in Section 33 (2), the liability to pay over a percentage of the profits to the Trust Fund would, of course, fall upon the new concessionaire. But I understand from your letter that the British South Africa Company merely proposes to sublet to another party its mining rights under the proposed concession without surrendering the concession itself to that party. If this presumption is correct, I fear that we must insist on the British South Africa Company, as the registered holder of the concession, remaining *legally responsible* for the fulfilment of the terms of the concession.

I will write to you again when I receive the Secretary of State's decision regarding the proposed amendments to Section 33.

Yours, &c.,
H. J. STANLEY.

Sir Drummond Chaplin, G.B.E., K.C.M.G.

20285/16.

No. 93.

TELEGRAM
to
HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 5 p.m., 15th October, 1931.)

No. 124. YOUR despatch of 16th September, No. 484,* I agree.—THOMAS.

* No. 91.

70

20285/17.

No. 94.

DESPATCH
from
HIGH COMMISSIONER, SOUTH AFRICA.

(Received 20th October, 1931.)

(Bechuanaland Protectorate.)
(No. 508.)

High Commissioner's Office,
Pretoria, 30th September, 1931.

SIR,

WITH reference to my despatch No. 484 of the 16th September,* I have the honour to transmit herewith, for your information, a copy of a despatch from the Resident Commissioner of the Bechuanaland Protectorate forwarding Acting Chief Tshekedi's reply to my letter of the 30th August† regarding the four alternative offers which I made to him, subject to certain conditions, of Crown land north of the Bamangwato Reserve. I also enclose a copy of the answer which I have sent to him.

I have, &c.,
H. J. STANLEY,
High Commissioner.

Enclosure 1 in No. 94.

(No. 382/17.)

The Resident Commissioner's Office,
Mafeking, 25th September, 1931.

SIR,

I HAVE the honour to enclose herewith Acting Chief Tshekedi's reply to Your Excellency's letter of the 30th August last on the subject of the grant to him of certain lands bordering on the Ngwato Reserve, and copy of my telegram to Your Excellency of to-day's date on this subject.

2. Tshekedi's reply may be summed up as follows:—

(*a*) He states that the tribe are not able to receive these offers in the way they have been marked out.

(*b*) He asks that they may be allowed to pick out any four of the six areas included in the four alternative proposals made by Your Excellency.

(*c*) He asks in addition for the land between the Sebonini and Nata Rivers.

(*d*) He expresses surprise at the retention by the Crown of the mineral rights in the areas proposed to be ceded and asks that these rights should be ceded with the land.

(*e*) He requests an interview with Your Excellency "in order to come to a definite finality on the subject."

3. In the last sentence of Your Excellency's letter of the 30th August, to the Acting Chief, you stated that "I desire to make it perfectly clear forthwith that I should not be able to contemplate any offer exceeding the respective areas and delimitations specified in offers "A," "B," "C" or "D."

4. In the presence of the Imperial Secretary and of myself, Your Excellency had previously made this point to the Chief definitely and categorically.

5. Your Excellency had also informed him that you would not agree to cede the area between the Sebonini and Nata Rivers.

6. In spite, however, of these very clear and definite statements, written and verbal, the Chief asks, as against the three areas specified in each of the proposals "A" and "D," or of the two areas specified in each of the proposals "B" and "C," for five areas of land; four of these he wishes to select out of the six mentioned by Your Excellency, and the other has already been definitely refused.

7. As regard the mining rights, I had always understood that it was Your Excellency's intention that these should be retained by the Crown; indeed my recollection is that you so informed Tshekedi at the interview in Cape Town in April last. The statement to this effect in Your Excellency's letter of 30th August last, can, therefore, hardly have come as a surprise to the Chief or his people.

8. In all the circumstances I cannot think that any useful purpose would be served by a further interview between Your Excellency and the Acting Chief on this

* No. 91. † Enclosure 2 in No. 91.

subject. He appears to have failed to grasp the very generous lines upon which the proposals made to him were conceived, and to be endeavouring to haggle for more favourable terms in spite of Your Excellency's clearly expressed statement that these could not be exceeded, or, alternatively, to be desirous of wrecking the negotiations.

I have, &c.,
C. F. Rey,
Resident Commissioner.

His Excellency
The High Commissioner,
Pretoria.

My Friend, Serowe, Bechuanaland, 22nd September, 1931.

Re Mineral Developments.

I have the honour to acknowledge and thank Your Excellency for your letter of the 30th August last, on the above subject, after consideration of the contents I beg to reply to you, Sir, as follows:—

With regard to your opening remarks contained in the first paragraph of the letter, it will be recollected that my representations to the Government on the question of land were made to the Secretary of State in London as far back as 1st April, 1930, reasons for these representations can readily be understood from the following extract taken from the record of the interview:—

"Acting Chief Tshekedi: I propose to ask the Government to assist me in my negotiations with the British South Africa Company in regard to this Concession. I am not asking for monetary compensation. The British South Africa Company have no land which they could give me in compensation, but the Government has such land. That is my reason for requesting the assistance of the Government in this matter. As I have stated the Government did not advise my father as I consider it their duty to have done, and I therefore look to the Government to assist me with land as they are the sole landowners outside the Tribal Reserves.

"Lord Passfield: That is not a matter which can be discussed here. We cannot assist you here in your negotiations with the Company. That is exactly what the High Commissioner was doing at Cape Town. We could not make any Concessions here in regard to land, we have not the information here enabling us to consider that, and only the High Commissioner can do it. You will have to discuss that in South Africa with the High Commissioner.

"Acting Chief Tshekedi: I appreciate that you cannot discuss this matter, but I would like to know whether the Government would be able to assist me in this matter of land, because I understand it would need your final approval, even though it would have to be discussed with the High Commissioner in the first instance.

"Lord Passfield: If the High Commissioner felt himself able to recommend any particular course I should, of course, not wish to oppose the High Commissioner's recommendation, and I should consider it as favourably as possible. I cannot promise to accept it, but if the High Commissioner is able to propose something which could be done to help you, I should be probably able to agree to it, though I cannot give an undertaking in advance.

"Acting Chief Tshekedi: I understand that, but I would like to say, now that I am here, that the only course which would satisfy my tribe would be to be compensated with land. I realize that I cannot expect a reply now.

"Lord Passfield: You must go back and see the High Commissioner about that, and discuss it with your tribe. That will be the only way in which you can get the matter settled."

During my recent visit to Cape Town on some other tribal duties, when the mineral developments question was touched upon, it was in pursuance of my views contained in the above extract that the question of land was discussed.

Upon my return from Cape Town as the matter was still then private, I conveyed to the leading Councillors of the Bamangwato Tribe your kind expression of wishing

to promote peace and good-will, and, if possible, to obviate litigation in this question. This was very greatly appreciated by all of us. This Tribe is educated to regard the Government as a father, and to turn to the Government for assistance upon any difficulties which they encounter.

With regard to Your Excellency's remark that while at Cape Town I began "by asking for an area which comprised nearly all the Crown Land north of the Botletle and east of the Nata Rivers that was of any value," it will no doubt be remembered that I asked that the Tribe be given back an area of land bounded on the north by a straight line drawn from Makalamabele (Makalamabedi) to Thama Setse (Damsetse). Although this area can be regarded as half of the Crown Land north of the Botletle and the Nata Rivers, it is not all the land which is of any value in that Crown Land; as a matter of fact there are certain parts in that portion which I had excluded which are in all respects better than any of the parts asked for. I understood that it was not possible to entertain this request owing to the magnitude of the area involved.

On further conversation it was suggested that it may be possible to give over an area of land, say, the land between the Nata and Maitengwe Rivers, a strip of land along the north bank of the Botletle between Rakops and the Great Makarikari (Makgadikgadi) Lake. It will no doubt be remembered that I considered this area as of very little size, and I asked whether it would not be possible to give over:—An area of Land north of the Botletle River in the vicinity of Menoskwena, both banks of the Botletle River, some land on the north of the Nata River which would secure to me both banks of the Nata River.

During these discussions Your Excellency informed me that it was not possible for him to consider an area of land in regions likely to be traversed by the proposed railway route.

I said that I would like first to go and inspect the land north of the Nata and the Botletle River myself before continuing these discussions, and I understood that you would send somebody to see and report upon this land.

When this discussion was resumed at Serowe on the 27th to 28th August last I stated that we were not keen on going to law about the mineral concession if suitable land could be provided and added to our country.

I stated that as a result of my recent inspection I had found out that the land between Maitengwe and Nata Rivers, except the part of it on the Nata River, was practically useless. I still adhere to this statement. I further stated that the land on the north of the Botletle River between Rakops and the Great Makarikari (Makgadikgadi) Salt Lake, was in fact the Makgadikgadi and as such was of very little value. I explained that only the prickly grass grew on this land, that the soil was altogether useless for agricultural purposes, that the people living on or near that land could only plough in the bed of the river. Captain Clifford thereupon said that despite my statements there were many of my people who lived and ran their cattle on this land. I agreed that this was so, but reaffirmed my statement that the people living in this area were only able to plough in the bed of the Botletle River, and that their cattle lived on the prickly grass which is not good for the cattle. I said that Captain Clifford's own map compiled 1930 correctly shows the area in question right in the middle of the Salt Lake. Evidence was thereupon called on this point, and I understood His Excellency to say it appears this land was not as good as it was thought to be.

When the discussion was afterwards continued on this point I was shown a list of a number of people who were said to live and be grazing their cattle in this area. It will be remembered that I made no comment upon the list presented. I wish to explain that I have been aware that the cattle belonging to my people grazed on the land north of the Botletle River, and that some of the people ploughed on the bed of the river close to its northern bank, but I have not been aware that any of my people had villages or huts built on this Crown Land. I have since made out that "small area of the Crown Lands north of the river between Rakops and Gomo" (Xomo) which is said to contain my people is an island in the Botletle River. Between Rakops and Mopipi the Botletle River breaks off into two rivers of the same size leaving an area between them of over a mile in width. It is between these two streams where there are villages and huts belonging to my people. I have to explain and state that not only the people living there but all of us are quite unconscious that we have villages in the Crown Land; we have always regarded the stream on the north as the true boundary.

It is true that during the discussion certain two headmen who were questioned stated that if the cattle belonging to the Bamangwato, which so far have been grazing on the land north of the Botletle River, were turned off this land, they would have nowhere else to go. But while on the subject of the value of the land in question

between Rakops and Mopipi, it will no doubt be recollected that during the discussions I stated to Your Excellency that there was no possibility of any European Settler ever buying this land, the land is of very little value owing to its Makgadikgadi formation. I still adhere to this statement.

On the first day of the discussions I asked that the Tribe be given land bounded on the north by a line drawn along the road from Nata to Nekati and from Nekati a straight line passing through the Maotomabe (Mavlobabi), Xaasane (Guasani), Chaaxara (Segara) pans through Chumaa to Mopipi. I also asked for the land lying between Sebonini (Zebanana) and the Nata Rivers, the land bounded by a straight line drawn from Menoakwena on the Botletle River to Tubukai (Xubukai) pan and then drawn straight west from Xubukai to the Batawana Border.

It was replied that with regard to the land in the vicinity of Xaasane, Maotomabe, Chaaxara, &c., consideration for future railway developments precluded any entertainment for any discussion regarding these parts, and was thereupon explained to me that the anticipated railway routes would be—one from Maletse through Deka to Rakops, the other from Deti through Thamasanka, Maotobabi, Tagu to Rakops. I do not remember any definite reference being made regarding the land between Sebonini and the Nata Rivers, the land round Nekati, on the first day of the discussions at Serowe.

With regard to the area including Xubukai, I understood that subject to the Secretary of State's approval, that as there was no proposed railway route which passed through that area, it may be possible to let me have the land bounded by a straight line drawn from Menoakwena on the Botletle River to Kodiakam (Xhudiakam) the line would include Tubukai, and would then be drawn straight to the Batawana border; this area, it was definitely stated, would not only give me Tubukai, but would also give me land round Tubukai.

When the discussions were continued at Palapye Road on the 28th August last, I understood that Your Excellency may be prepared to allow me, subject to Secretary of State's approval, an area of land bounded on the north by a straight line drawn from Madsiara (Matsiara) on the Nata River to Nekati, and from Nekati due west until it strikes the chain of pans running from the Great Makgadikgadi Lake towards Metsemathuko (Metsebothoko), then south along the eastern edge of the Makgadikgadi until it includes the Thaba'takudu area, &c.; on this point I explained that the land from Nekati to the north of Nekati was good land, but that the land south of Nekati was of very little value owing to its Salt Lake formation and the sand belt between Nata and Nekati. There was also reference made while on this point about Mumpswe area, and I stated that the land from Mumpswe to the north of Mumpswe was good land.

With regard to the land between the Nata and the Sebonini, Captain Clifford stated that this area was not surveyed. But there was quite a lengthy discussion regarding Sebonini area, in the midst of which I had occasion to leave the discussion to get information from my people upon a certain point. It was upon my return that I got a definite reply that the land between Sebonini and Nata could not be considered, and it may be recollected that from thence onward with the discussions I was very greatly disappointed.

To sum up my representations on the land question:—

While at Cape Town I asked whether it would be possible for the Tribe to be given back, subject to my first inspecting the land north of the Botletle and the Nata Rivers:—

(1) The land between the Maitengwe and the Nata Rivers.
(2) An area of land north of the Nata River to allow me to have both banks of the Nata River.
(3) An area of land north of the Botletle River between north of Rakops, Mopipi and the Great Makgadikgadi.
(4) After making allowance for the river frontage likely to be traversed by the Railway routes, I asked that we be given both banks of the Botletle River.
(5) An area of land in the neighbourhood of Menoakwena.

On the 27th to 28th August last, having inspected the Crown Land in question I asked to be given back:—

(1) An area of land between the Sebonini and the Nata Rivers.
(2) An area of land bounded on the north by a straight line running along the road from Nata at Matsiara to Nekati, thence from Nekati due west to Maotomabe (Mavlobalo). Xaasane (Guasani), thence from Xaasane due south to Sagara, Chumaa to the Botletle River, striking the river at Mopipi.

72

With reference to Your Excellency's just remark that any alternative offers of land were conceived on very generous lines, I should like to explain that taking the magnitude of the area involved, it is indeed a generous offer, but to those who have had occasion to inspect the land in question I should frankly state that more than half of the land offered would prove of very little, if any, use at all to the Tribe.

The result of the interview at Serowe and Palapye Road were fully explained to the Bamangwato Tribe in a Kgotla meeting before and after the receipt of your letter of the 30th August, 1930.

There are six areas of land involved in the offer of the Government, namely:—

(1) The land lying between the Nata and Maitengwe Rivers.
(2) The land to the north of the Botletle River lying between Rakops and the Makarikari Lake, and bounded on the north by a straight line running from Rakops in an easterly directly to a beacon to be erected in longitude 24° 40' and latitude 21° and thence by a straight line approximately parallel to the course of the Botletle River until it strikes the Makarikari Salt Lake.
(3) The land north of the Botletle River between a line running due north from Menoakwena for an agreed distance, say, 25 miles.
(4) The land comprised within the following boundaries: on the south the Botletle River, on the east a line running from Menoakwena to Tubukai, on the north a line running due west from Tubukai to the Batawana border. This includes the Tubukai area.
(5) The land bounded as follows: on the north by a line commencing at a point on the Nata River near the junction of the Nata River and Madsiara Roads, and thence drawn direct to N'kate, and thence due west until it strikes the chain of pans running from the Makarikari Salt Lake towards Metsematluko, thence down the eastern edge of that branch of the Makarikari known as the Mokoamoto (including Thaba'takudu) until it reaches the boundary of the Bamangwato Reserve near the village of Mekomxana, thence east along the present boundary of the Reserve back to the starting point on the Nata River.
(6) The land between the Makarikari Lake and straight lines drawn from Madsiara through Mabole to Mumpswe, and thence due west to the chain of pans running from the Makarikari Salt Lake to Metsematluko, thence down the eastern edge of that branch of the Makarikari known as the Mokoamoto (including Thaba'takudu) until it reaches the present boundary of the Bamangwato Reserve near the village of Mekomxana, thence east along the present boundary of the Reserve back to the starting point at Madsiara.

We are not able to receive these offers in the way they have been marked out, but we request to be allowed to pick out any four areas from the six.

We still request that the land between the Sebonini and the Nata Rivers be given over to us as there are no obstacles regarding this land, placed by the anticipated Railway developments. Of all the areas offered this area, although probably smallest in size, is the only area which would prove of real material benefit to the Tribe.

I have been negotiating this question on behalf of the Tribe with the assumption that the mineral rights of any Crown Land which might be granted to us would belong to the Tribe. The intimation that the mineral rights on the Crown Land in question would be reserved by the Government has caused great surprise, and in fact a definite and expressed change of attitude as far as the Tribe is concerned, as it brings mining into the new areas. We ask that this condition be taken out.

Finally, I request that in order to come to a definite finality on this subject, I be granted a final personal interview with Your Excellency at Cape.

I beg, &c.,

TSHEKEDI KHAMA,
Acting Paramount Chief of the Bamangwato Tribe.

To His Excellency
Sir Herbert Stanley,
High Commissioner.

Copy of Telegram.

High Commissioner, Pretoria.

No. 236. 24TH SEPTEMBER. Answer received from Tshekedi to Your Excellency's letter of 30th August is being forwarded by next mail. Answer is unsatisfactory. He demands to be allowed to select any four out of six areas covered by Your Excellency's proposals, and in addition land between Sebonini and Nata. He

further claims retention of mining rights in land ceded, and asks for interview with Your Excellency " in order to come to definite finality."

Enclosure 2 in No. 94.

High Commissioner's Office,
Pretoria, 28th September, 1931.

My Friend,

I have received your letter of the 22nd September, and I note from its contents that none of the four alternative offers of Crown Land to the north of the Bamangwato Reserve, which (subject to the approval of the Secretary of State in respect of three of them) I made to you in my letter of the 30th August, appears to be acceptable to yourself and your people.

I stated quite clearly in my above-mentioned letter that I should not be able to contemplate any offer exceeding the respective areas and delimitations which I had specified.

I have no wish to press the offer of any of these alternatives upon you and your people. The offer was not made with the object of securing any direct gain or advantage to the Government. You and your people have not been asked to give the Government anything in return. The offer, if accepted, would take effect in the event of your coming to such an arrangement with the British South Africa Company as would enable the Company to make to the Government a compensatory payment in the form of a relatively small area of land which the Government would use, not for its own benefit, but for the benefit of a Tribe living in the southern portion of the Bechuanaland Protectorate. The offer was made solely with the intention of helping you and your people to effect an amicable settlement of your dispute with the British South Africa Company, and thus to avoid the uncertainty, the unpleasantness and the expense of litigation. You were entirely at liberty to accept, or to decline to accept, the offer. If I interpret your letter correctly as a rejection of the offer, I fear I can offer you nothing better, and the position will remain as it was before the offer was made. The Government is not directly concerned in your dispute with the British South Africa Company.

I do not propose to express any opinion as to the wisdom or unwisdom of a decision to reject the offer, and I think it unnecessary to discuss further the details of an offer which does not appear to be acceptable to you. I feel constrained, however, to point out, with reference to the last paragraph but one of your letter, that during our discussions at Cape Town I told you plainly that the Crown would reserve the mineral rights over any land which it might grant to you and your people under any such arrangement as was contemplated. We had at the time some conversation of this point, which seems to have escaped your recollection.

I shall be away from Pretoria for about ten days at the beginning of October. I expect to be back in Pretoria by the middle of that month, and if you desire to see me, I shall be willing to see you then on a date which can be arranged through the Resident Commissioner, but I should wish it to be understood that I should not be prepared to engage in any process of bargaining, and that I could hold out no hope of any amplification of the offer made to you in my letter of the 30th August.

I am, &c.,
H. J. STANLEY,
High Commissioner.

To Chief Tshekedi Khama,
Acting Chief of the Bamangwato,
Serowe.

10141/105.

No. 95.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 10th November, 1931.)

(Bechuanaland Protectorate.)
(No. 551.)

High Commissioner's Office,
Pretoria, 21st October, 1931.

Sir,

With reference to my telegram No. 142 of the 19th October,* I have the honour to transmit herewith ten copies of the draft Bechuanaland Protectorate Mining

* 10141/104: not printed.

Proclamation* and of the explanatory Memorandum* on the Proclamation in the form in which they were published in my Official Gazette on the 16th instant.

I have, &c.,
H. J. STANLEY,
High Commissioner.

20285/18.

No. 96.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 2.21 p.m., 1st December, 1931.)

[*Answered by No. 97.*]

No. 167. 1st December. Your telegram of the 15th October, No. 124.† After further personal discussion with Tshekedi, I have come to provisional agreement with him, subject to confirmation by the Tribe of which there is no reasonable doubt, and to your approval, and conditional, of course, upon satisfactory agreement between the Chief and the British South Africa Company. Chief was specially concerned, reasonably as I think, to secure access to eventual Walvis Bay railway line for cattle in the north-western portion of the Bamangwato Reserve from where trekking beasts to Rakops hardly practicable. Under the provisional agreement Tribe would have added to its Reserve area No. 2 in offer described as C. in enclosure to my despatch of the 16th September, No. 484,‡ and instead of area No. 1 of C. a strip of approximately similar acreage westward of the northern arm of Makarikari Lake from intersection of its western edge and Nkate-Tubukai Road bounded on the north by that road either for fifty miles with width of 15 miles of for 40 miles with width of 20 miles at the option of the Chief to be signified after inspection of land by him. Agreement is subject to the following conditions (1) if as now seems more probable western trace of the proposed railway (viz., Maletsi to Rakops) is eventually adopted Government would so far as practicable provide cattle route from the western boundary of the strip to the railway, or if the western trace intersects strip Tribe would surrender to the Crown such land as lays west of the railway receiving in compensation equal area southward of the strip but not along the railway; (2) if the eastern trace (viz., Dett to Rakops) adopted and if it traverses the strip, Tribe would surrender without compensation land for railway purposes as in Section 3 of Proclamation No. 25 of 1896; (3) mineral rights in area No. 2 of offer C. and in westward strip would be reserved to the Crown, but undertaking would be given that before the minerals therein were ceded or developed Chief and Tribe would be afforded opportunity of submitting [? group or groups omitted] which would be considered before decision reached; (4) Chief and Tribe would surrender any claim to hunting rights outside their Reserve.

Resident Commissioner and I think this a satisfactory arrangement, and the Chief, who seems well pleased, is opening tentative negotiations with the British South Africa Company. I hope that you will approve agreement. Please telegraph as soon as possible. Recent death of Chief Gaberone makes it more than ever desirable to secure land in the Southern Protectorate conditionally promised by the British South Africa Company.—Stanley.

20285/18.

No. 97.

TELEGRAM

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Sent 7.30 p.m., 3rd December, 1931.)

[*Answered by No. 98.*]

No. 142. Your telegram of the 1st December, No. 167.§ I approve. I assume that Acting Chief and Tribe fully realize that construction of railway line to Walvis Bay is entirely uncertain.—Thomas.

---

* Not printed here. † No. 93. ‡ No. 91. § No. 96.

20285/19.

No. 98.

TELEGRAM

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 10.45 a.m., 4th December, 1931.)

No. 169. 4TH DECEMBER. Your telegram of 3rd December, No. 142.* Chief fully understands that it is quite uncertain whether and when Walvis Bay line will be built. I specially reminded him of this at our recent interview at which some of his Councillors were present. Understand his negotiations with British South Africa Company progressing satisfactorily.—STANLEY.

10141/110.

No. 99.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 15th December, 1931.)

(Bechuanaland Protectorate.)
(No. 603.)

High Commissioner's Office, Cape Town, 26th November, 1931.

SIR, I HAVE the honour to transmit herewith a copy of a letter which has been received from the Secretary of De Beers Consolidated Mines Limited, Kimberley, inquiring whether it would be possible, after promulgation of the draft Mining Proclamation for the Bechuanaland Protectorate, for his Company to acquire a Crown Grant under Clause 35 of the Proclamation in respect of diamond prospecting and mining over the area not already held under concession by the British South Africa Company.

2. As Sir Robert Kotzé who has acted as mining adviser to this Office in connexion with the preparation of the draft mining law for the Protectorate is a Director of the De Beers Company, it is not open to me to consult him in this matter. I should be obliged, therefore, if the authorities of the Imperial Institute could be asked whether they would kindly give me the benefit of their advice upon the proposals submitted by the Company and of any suggestions which they may feel able to make.

3. I would observe that in the consideration of any scheme for diamond mining in the Protectorate it would seem preferable on general grounds, and especially in view of the importance of protecting the interests of the native population, to deal with a responsible company like De Beers, and thereby obviate anything in the nature of a "diamond rush" by irresponsible persons which has frequently taken place in South Africa when diamond areas have been thrown open to the public. A further argument in favour of entering into an agreement with the De Beers Company, if satisfactory terms can be arranged, is that by this means it would be possible to avoid the risk, which would be entailed if mining for diamonds were undertaken by a number of small speculators, of disturbing the diamond market; but it will of course be necessary that we should be assured that, in the event of a discovery of diamonds in the territory, a reasonable share of the "diamond quota," having regard to the nature and extent of any such discovery, will be secured to the Protectorate.

4. An early reply would be greatly appreciated.

I have, &c.,
H. J. STANLEY,
High Commissioner.

Enclosure in No. 99.

DE BEERS CONSOLIDATED MINES LIMITED.

Kimberley, South Africa, 30th September, 1931.

SIR, ACTING under instructions from my Board, I have the honour to inquire whether it would be possible, after promulgation of the Bechuanaland Protectorate Mining Proclamation, for my Company to acquire a Crown Grant under Section 35, in respect of

* No. 97.

diamond prospecting and mining over the area not already held under concession by the Chartered Company. As you are aware, the Chartered Company has ceded the rights to diamonds in the area held under concession to it to my Company, and my Company desires to acquire similar rights in respect of the remainder of the Protectorate, or a selected portion thereof, in so far as this may be possible.

At this stage it appears premature to submit a draft Crown Grant, and the drafting of such a Crown Grant may well be deferred until the principle has been approved by the High Commissioner. It is, however, suggested that the following might be the chief provisions of the Crown Grant:—

(*a*) The Crown Grant to be for a period of 10 years, with the right of renewal for a further period of 10 years. The area to be covered by the Grant to be agreed upon after further negotiation.

(*b*) The Grantee to undertake to spend, from a date to be agreed upon, at least £3,000 per annum on prospecting for diamonds, either by himself or in conjunction with the holders of prospecting rights for other minerals over the same territory.

(*c*) The Grantee to have the right to peg alluvial claims as if he were the holder of a mineral concession, and otherwise to have the rights prescribed in Part VI of the Proclamation.

(*d*) The Grantee to work alluvial diamond claims and pipes discovered and pegged on a scale satisfactory to the High Commissioner, but such that the production is not to exceed 5 per cent. of the total value of diamonds purchased by the Diamond Corporation from Union and South-West producers.

(*e*) The Grantee to pay from the date referred to in (*b*) a rental 3d. per square mile for the area over which he holds prospecting rights, provided that he may, when paying the rental for any one year, abandon any designated portion of such area, whereupon the rental shall be diminished accordingly, and provided further that the rental shall be diminished by the amount payable for claim licences within the area still held under prospecting rights under Sub-section (1) of Section 11.

With reference to (*b*), it is thought that prospecting simultaneously for all minerals, including diamonds, would be the most economical and satisfactory method of exploration. Such joint prospecting should cost about £10,000 a year, and the £3,000 above mentioned would be a suitable proportion in respect of diamonds.

It is thought by my Board that a rental of 3d. per square mile in respect of diamonds alone, bears a fair relation to the 1s. for all minerals referred to in Section 31 of the Proclamation, especially in view of the fact that the Grant is to be for a shorter period than the 25 years referred to in Section 29.

It is also suggested that if diamond discoveries of value are made, a total production should be agreed upon representing a certain percentage of the Union and South-West quota.

If the High Commissioner will intimate whether he is prepared to confer a Crown Grant as suggested, on the lines indicated above or on such other conditions as may be agreed upon as suitable, my Company will submit a draft Grant for his approval.

I have, &c.,
H. F. LARDNER BURKE,
Secretary.

The Imperial Secretary,
High Commissioner's Office,
Pretoria.

10141/111

No. 100.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 15th December, 1931.)

(Bechuanaland Protectorate.)
(No. 605.)

High Commissioner's Office,
Cape Town, 26th November, 1931.

SIR, I HAVE the honour to report, with reference to your despatch No. 382 of the 30th September* on the subject of the Draft Mining Proclamation for the Bechuanaland

* No. 90.

Protectorate, that further consideration has been given, in consultation with my Legal Adviser and Sir Robert Kotze, to the question of the amendment of Section 33 (1) of the Draft Proclamation in the light of the suggestion contained in paragraph 6 of the letter of the 25th September from the Imperial Institute, of which a copy accompanied your despatch.

2. I enclose herewith a copy of Minutes to and from my Legal Adviser, from which it will be observed that the additional proviso suggested by the Legal Committee is considered to be unnecessary and might possibly prove embarrassing. I agree that in all the circumstances it would seem inadvisable to insert the suggested proviso.

I have, &c.,
H. J. STANLEY,
High Commissioner.

Enclosure 1 in No. 100.

Legal Adviser.

PLEASE see letter from the Imperial Institute in this file.

In actual practice it is anticipated that Concessionaires, like the British South Africa Company, will transfer their prospecting rights over large areas of a concession to a mining company such as the Anglo-American Corporation for exploitation. The latter Company would then undertake prospecting operations on a large scale, and in accordance with up-to-date methods. There would, of course, be no objection to the Concessionaire transferring his obligations as well as his rights to a reputable and substantial concern like the Anglo-American Corporation. On the other hand the High Commissioner would doubtless decline to approve the transfer by a Concessionaire of either his rights or obligations to firms or individuals whose reputation was insufficiently established or whose financial position was insubstantial. Alternatively he might consent to a Concessionaire transferring his *prospecting and mining rights* to others, but might insist upon holding such Concessionaire responsible for his *obligations* under the concession.

The intention of the section is that the power to withhold approval of a deed of concession implies that the High Commissioner may either arbitrarily withhold approval of a proposed concession or transfer or may make such approval subject to certain conditions to be embodied in the document of transfer or cession. Bearing in mind the standing of existing concession holders and the requirement that all future concessions must be approved by the High Commissioner, it does not seem to me that the additional safeguarding proviso suggested by the Legal Committee of the Imperial Institute is really necessary. Moreover, as I have explained, occasions may arise when firms or individuals to whom it is proposed to transfer or cede rights and obligations under a concession are just as reliable in status and as capable of discharging the obligations imposed by a concession as the original Concessionaire. The advantage of the proposed proviso is that the obligations are made a liability on both the original Concessionaire and the Transferee. On the other hand a company which might wish to wind up its interests in the Territory or was no longer in a financial position to retain them, would be compelled by the proposed proviso to accept responsibility for the discharge of the obligations imposed by the concession for all time even if such company were no longer retaining any interest in the concession and was quite prepared to cede its rights and obligations to some other *approved* individual or concern fully, or even better, qualified to undertake them. It seems to me, therefore, that unless the object of the section is not considered to be adequately secured by the text as it stands, there is nothing to be gained by putting obstacles in the way of enabling a Concessionaire to make suitable provision for winding up his affairs and transferring his rights and obligations to approved successors.

I should be obliged if you would let me have your views on this question in consultation, if you consider it necessary, with Sir R. Kotze.

R. E. H. CLIFFORD.

High Commissioner's Office,
Pretoria,
9th November, 1931.

Enclosure 2 in No. 100.

Imperial Secretary.

I HAVE discussed this question with Sir R. Kotze and we are in agreement with your Minute, that the additional proviso suggested by the Legal Committee is unnecessary and in certain circumstances might be embarrassing. The High Commissioner's consent would only be given in a case where he was satisfied as to the safeguarding of interests, and it would only be given subject to such conditions as would make this obligation binding on the Transferee.

PATRICK DUNCAN.
19th November, 1931.

10141/113.

No. 101.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 15th December, 1931.)

(Bechuanaland Protectorate.)
(No. 607.)

SIR, High Commissioner's Office, Cape Town, 27th November, 1931.

WITH reference to my despatch No. 508 of the 30th September* regarding the alternative offers which I made to Acting Chief Tshekedi, subject to certain conditions, of Crown land north of the Bamangwato Reserve, I have the honour to report that I have received through the Resident Commissioner a letter from the Chief, of which I attach a copy, asking that I should grant him a personal interview and stating that he proposed to bring with him four or five leading Councillors of the tribe, in order that "they should hear for themselves the final steps to be taken in regard to the proposals upon land question." I have arranged to receive the Chief at my Office here this afternoon.

2. In this connexion the Chief has again sought the advice and assistance of Mr. D. M. Buchanan, K.C., who acted as his adviser during the earlier negotiations for the revision of the Khama concession and in regard to the question of mining in the Bamangwato Reserve, and I forward herewith a copy of a letter addressed to me by Mr. Buchanan asking, on behalf of the Chief, for an explanation of certain of the provisions of the draft mining law for the Protectorate, together with a copy of the reply which, after consultation with my legal Adviser, I caused to be sent to him.

3. It will be observed that, in order to make it clear that it was not the intention of the High Commissioner to take power to throw open to mining operations, without the consent of the Chief, any area in a Native Reserve which was not subject to a mineral concession, I have promised to seek your approval of the insertion of the following proviso at the end of Clause 6 (3) of the Draft Proclamation, viz. :—

> "provided that in the case of any area included in a Native Reserve but not subject to a mineral concession the withholding of such authorization by the owner shall not be subject to the approval of the High Commissioner."

4. I have also agreed to ask you to consent to the insertion of the following words at the end of Sub-Clause (1) of Clause 28 :—

> "provided that any such royalties paid in respect of claims on any area included in a Native Reserve but not subject to a mineral concession, which has been thrown open to public prospecting under the provisions of Section 6 (3) of this Proclamation, shall be used for the benefit of the tribe occupying such Reserve."

Under Clause 28 as it now stands it is provided that the holder of any claims other than claims in mineral concessions or in private lands shall pay royalties to the Crown, and in the event of all or part of a mineral concession being thrown open to public prospecting the obligation to pay royalties is to apply, except that the royalties are to be payable to the holder of the concession. It seems only reasonable, in the event of any area in a Native Reserve not subject to a mineral concession being thrown open to public prospecting, that the royalties should be used for the benefit of the tribe occupying the Reserve.

5. Prior to the receipt by Mr. Buchanan of the reply to his letter, he communicated with the Acting Imperial Secretary by telephone and suggested that in view of

---

* No. 94.

my forthcoming interview with Tshekedi it might be helpful if he (Mr. Buchanan) could have an informal talk with me. I agreed to receive him for this purpose and he came to see me on the 25th instant. I gathered from him that there seemed to be some prospect of reaching an amicable settlement both in regard to the British South Africa Company's mineral concession over the Bamangwato Reserve and the question of mining development generally, and this view would appear to be confirmed, to some extent at any rate, by the terms of Tshekedi's enclosed letter and by the fact that he is bringing some of his leading Councillors to be present at his interview with me this afternoon. In the course of my conversation with Mr. Buchanan he suggested with reference to Clause 35 (4) of the Draft Mining Proclamation that the provision that the consent of the Chief should be required in the case of any Crown Grant made in respect of a Native Reserve might perhaps be amended by the substitution of the word "owner" for the word "Chief" and by the addition of a proviso similar to that which it is proposed to insert at the end of Clause 6 (3). I said that if you saw no objection to the proposed alteration in the case of Clause 6 (3) I was disposed to agree that a similar amendment of Clause 35 (4) would be desirable, inasmuch as it would have the effect, which I gathered was the object of Mr. Buchanan's suggestion, of placing the responsibility for the consent to the issue of a Crown Grant in respect of a Native Reserve upon the Chief and tribe instead of upon the Chief personally.

6. Another point raised by Mr. Buchanan was whether, in the event of diamond mining on a Native Reserve not the subject of a concession, the royalty (or some portion of it) provided for in Clause 43 of the Draft Proclamation might be used for the benefit of the tribe as is contemplated in the case of mining under any Crown Grant made in terms of Clause 35 (4), and as I now propose should be done also under the suggested proviso to Clause 28 (1). I told him that I was sympathetically disposed towards this suggestion, and that it would receive consideration.

7. I will address a further report to you after my interview with Tshekedi.

I have, &c.,
H. J. STANLEY,
High Commissioner.

Enclosure 1 in 101.

KGOTLA EA KGOSI,
GAMANWATO.

MY FRIEND, Serowe, Bechuanaland, 10th November, 1931.

The Mineral Concession.

I HAVE the honour to acknowledge and thank Your Excellency for your letter of the 28th September last, on the above subject.

In reference to Your Excellency's last paragraph, it is still my desire and humble request to be afforded an opportunity of a personal interview with your Excellency, and should such an interview be granted it is my intention to take with me four or five leading Councillors of the Tribe that they should hear for themselves the final steps to be taken in regard to the proposals upon land question.

With greetings, &c.,
TSHEKEDI KHAMA.

To His Excellency
The High Commissioner
for the Bechuanaland Protectorate.

Enclosure 2 in 101.

Temple Chambers, 4, Wale Street,
Cape Town, 5th November, 1931.

YOUR EXCELLENCY,

CHIEF TSHEKEDI KHAMA has consulted me with regard to the published draft of the Bechuanaland Protectorate Mining Law following a telegram dated 20th October from His Excellency the High Commissioner to the Magistrate at Serowe, by whom the contents were duly conveyed to Tshekedi. Prior to giving an opinion there are a few points which I should be glad if Your Excellency would clarify, as my own interpretation of the Regulations may not coincide with what Your Excellency purposes to convey by such Regulations.

I. The first turns upon the meaning of the definition of "Owner," more particularly the words applicable to Chief Tshekedi and his Tribe, namely, "in respect of land in Native Reserves means the Chief and the Tribe concerned *subject to the approval*

of the High Commissioner in the case of any alienation or consent given *or withheld under this Proclamation.*"

The ambiguity is caused by the "*or withheld.*" Regulation 6 (3) provides that no land shall be thrown open to public prospecting without the written authority of the owner. Is it intended by this Regulation to enforce Mining in the Bamangwato Reserve even though the Chief and Tribe succeed in legally terminating the 1893 Concession and object to mining taking place in their territory? If so, it is difficult to reconcile this with the assurance heretofore given to the Chief by the Government.

Paragraph 4 of the Memorandum states that mining cannot take place "without the consent of the High Commissioner and the Chief acting in concert," but it seems to me that this is not reflected in the *Draft Regulations* themselves.

Further, the Bamangwato Concession contains areas in which no prospecting or mining can take place without the consent of the Chief, but Section 29 (2) would appear to incorporate and apply Section 6 (3) which in turn incorporates and applies the aforesaid definition clause. The same difficulty arises here also—Regulation 35 (4) seems to place no qualification on the Chief's right to withhold consent.

II. In the absence of a written Constitution defining the relationship between the Crown and the Bamangwato Tribe and dealing with their respective rights, if any, to the minerals in the territory, but assuming they are vested in the Chief as Grantor of the 1893 Concession—Regulation 28 provides that Royalties are to be paid to the Crown which on the face of it would be a confiscation of the Chief's said rights. Under the same regulation if the Chief cedes these rights to a third party the said Royalties are paid to such party. Further, Regulation 35 provides that the Royalties under a Crown Grant consented to by the Chief shall be used for the benefit of the tribe occupying the Reserve, and Regulation 34 provides that mineral rights revert to the grantor of the mineral concession or his legal successor in title, *i.e.*, the present Chief. These provisions do not appear to be consistent and I should value Your Excellency's statement as to whether this is accidental or of a set purpose.

III. No provision has been made that prior to Registration under Regulation 4, notice is to be given of intention to Register any such concession to the grantor of the Concession and that if any objection is lodged thereto no registration shall be effective until the Court has adjudicated thereon.

In the present case, acting on advice originally sought by the Government at the request of Chief Khama but only obtained during the Chieftainship of Sekgoma, the present Chief gave the notice referred to through the Government terminating the said Concession as at the end of December, 1931. Should this Regulation 4 be put in force as drafted, it appears to have the effect of shifting the onus of initiating legal proceedings from the British South Africa Company to the Chief, and incidentally of enabling the Company to mine so long as they can protract and delay the final legal decision, which if the advice obtained by the Government for the Chief proves correct they are not entitled to do after 31st December, 1931.

I should greatly appreciate Your Excellency's elucidation of the above points in order that my advice to the Chief may be based upon correct deductions of the Government's intention.

I have, &c.,
D. M. BUCHANAN.

To His Excellency
The High Commissioner for South Africa,
Pretoria.

Enclosure 3 in No. 101.

(No. 2357.)

SIR, High Commissioner's Office, Cape Town, 24th November, 1931.

I AM desired by the High Commissioner to acknowledge the receipt of your letter of the 5th November in which you ask, for the information of Acting Chief Tshekedi, for an explanation of certain of the provisions of the draft mining law of the Bechuanaland Protectorate.

2. The definition of "owner" was designed to have the effect of giving the Chief and Tribe in certain matters the right to give or withhold consent, but the exercise of that right is to be made subject to the approval of the High Commissioner for the purpose of ensuring that it is exercised in the best interests of the natives. It was not, however, the intention of the High Commissioner to take powers which would enable him to throw open to mining operations, without the consent of the Chief, any area within a Native Reserve which was not subject to a mineral concession. In order to

make this clear His Excellency is prepared to seek the Secretary of State's approval of the insertion of the following proviso at the end of Clause 6 (3) of the draft Proclamation, viz.:—

"provided that in the case of any area included in a Native Reserve but not subject to a mineral concession the withholding of such authorization by the owner shall not be subject to the approval of the High Commissioner."

The consent of a Chief, or the withholding of such consent, to the issue of a Crown Grant under Clause 35 is not subject to the High Commissioner's approval.

3. As regards Clause 28, His Excellency proposes to seek the Secretary of State's consent to the insertion of the following words at the end of Sub-Clause (1):—

"provided that any such royalties paid in respect of claims on any area included in a Native Reserve but not subject to a mineral concession, which has been thrown open to public prospecting under the provisions of Section 6 (3) of this Proclamation, shall be used for the benefit of the tribe occupying such Reserve."

4. Provision will be made in the Regulations to be issued under the Proclamation, requiring the Registrar, when application is made to register a concession, to notify the owner of the land over which the concession is granted and to give notice in the Gazette that such application has been made and that such registration will be effected within a certain time unless objection is made.

6. In the opinion of the High Commissioner the position in regard to the Khama Concession is that the onus of initiating legal proceedings with a view to its determination rests at present on the Chief. The British South Africa Company holds a concession signed by Chief Khama and formally approved by the Secretary of State, and the Company has hitherto tendered the payments required in terms of the concession, which payments, prior to 1931, have been accepted by the Chief. At present, therefore, the Company is presumably entitled to exercise the rights granted by that concession unless and until the Chief is able, by legal process or otherwise, to effect its determination. At present there would not appear to be anything to debar the Company from commencing prospecting operations in the Bamangwato Reserve, and if the Chief should wish to prevent such operations, it would be for him to take such legal action as he might be advised would be necessary in that behalf. The High Commissioner therefore does not feel able to accept the view that the provisions of the draft Proclamation would shift the onus of initiating legal proceedings from the Company to the Chief, as that onus now rests on the Chief.

I am, &c.,
SHIRLEY EALES,
Acting Imperial Secretary.

D. M. Buchanan, Esq., K.C.

10141/114.

No. 102.

DESPATCH
from
HIGH COMMISSIONER, SOUTH AFRICA.
(Received 28th December, 1931.)

(Bechuanaland Protectorate.)
(No. 632.)

High Commissioner's Office,
Cape Town, 7th December, 1931.

SIR,

WITH reference to my telegram No. 164 of the 27th November* and No. 170 of the 5th instant,† I have the honour to enclose herewith a copy of a despatch‡ from the Resident Commissioner of the Bechuanaland Protectorate submitting a copy of a letter from Messrs. Coghlan and Welsh, Solicitors, Bulawayo, protesting, on behalf of the

* 10141/107: not printed. † 10141/109: not printed. ‡ Not printed.

77

Tati Company Limited, against the issue of the draft mining law for the Bechuanaland Protectorate unless the Tati District is specifically excluded therefrom.

2. As intimated in my telegram of the 5th instant I am consulting my Legal Adviser with regard to the reply to be returned to the Company's solicitors.

I have, &c.,
H. J. STANLEY,
High Commissioner.

Sub-Enclosure in No. 102.

SIR,

Agency Chambers, Bulawayo, 25th November, 1931.

re *Proposed Mining Proclamation, Bechuanaland Protectorate.*

WE have the honour to be instructed by the Tati Company Limited, to address you with regard to the proposed Mining Proclamation published in the Official Gazette of the High Commissioner for South Africa under High Commissioner's Notice No. 127 of 1931.

As no doubt you are aware, the Tati Company Limited are the successors in title to the Tati Concessions Limited.

Under High Commissioner's Proclamation No. 2 of 1911, the Tati Concessions Limited, its successors and assigns, were confirmed in the full, free and undisturbed possession as owners of the land within the Tati District, which District was defined in Section 1 of that Proclamation.

Section 6 of that Proclamation is as follows:—

"the right to all minerals and precious stones under the land in the Tati District is reserved to the Tati Concessions Limited, and also the right of prospecting for and working the same but no mining operations shall be carried on under any land on which buildings have been erected or improvements made unless and until compensation has been paid for any loss to be sustained by the owner or owners of such buildings or improvements by reason of such operations and in the case of land reserved for the Rhodesia Railways Limited no prospecting or mining operations shall be carried on in such manner as to interfere with the working and safety of the said line of railway or with any works constructed for the purposes of the said railway."

and Section 8 of that Proclamation is as follows:—

"Nothing contained in this Proclamation or in any other law shall authorize the said Company to make or administer laws within the Tati District or to levy any rate tax licence duty or impost therein and all powers of legislation administration and taxation are reserved to and remain vested in His Majesty's High Commissioner but nothing shall interfere with the rights of the Company as owners to grant or refuse to grant permission to prospect or mine upon their lands or to impose such conditions upon the grant of any such rights as they may think fit."

By Deed of Transfer duly registered in the Office of the Registrar of Deeds at Mafeking transfer of the whole of the land referred to in the Proclamation was transferred to the Tati Company Limited, who now own all the rights in and to such land and in and to the minerals referred to in Section 6 of the said Proclamation. We would draw your attention particularly to the concluding portion of Section 8 of the said Proclamation, which provides that nothing shall interfere with the rights of the Company as owners to grant or refuse to grant permission to prospect or mine upon their land or to impose such conditions upon the granting of any such rights as they may think fit.

The Tati Company therefore have absolute ownership of the mineral rights within the Tati District and are entitled to deal with such mineral rights in such a manner as they may from time to time think fit.

Under the first portion of Schedule 2 to the said Proclamation No. 2 of 1911 the Tati Company retained the mining rights, including precious stones, under the land set apart for a native reserve, subject to the conditions contained in that Schedule, and under Section 9 of the Agreement set forth in Schedule 3 to the said Proclamation the Tati Company are preserved in the right to all minerals in and under land to be conveyed to the Railway Company, subject to the terms contained in Section 9 of the said Schedule.

It is therefore apparent that any Mining Proclamation which in any way interferes with the rights of the Tati Company to the minerals and precious stones under the land in the Tati District or which imposes any conditions upon the holders of such mineral rights is in direct conflict with the provisions of the said Proclamation No. 2 of 1911.

A reference to the proposed Mining Proclamation as published in the High Commissioner's Notice No. 127 of 1931 makes it apparent that if the provisions of that Mining Proclamation are applied to the Tati District they will seriously interfere with and affect the rights of the Tati Company to the mineral rights in the Tati District.

Under Section 6 of the proposed Mining Proclamation power is granted to the High Commisioner by Notice in the Gazette from time to time to specify the areas within the Protectorate to which the Proclamation shall apply, and so far as we can see, there is nothing in the proposed Proclamation to prohibit the High Commissioner from at any time applying the provisions of the Mining Proclamation to the Tati District. The memorandum explaining certain provisions of the Draft Proclamation and which is published with the Draft Proclamation, in fact, makes specific reference to the mineral rights of the Tati Company, and in this connexion we would refer you to the provisions of Section 6 of that memorandum, which specifically states that as soon as the Proclamation has been applied to the Tati District prospecting and mining can only be carried out in accordance with the provisions of the Mining Proclamation, and the owner of the mineral rights will be required to take out a prospecting permit in accordance with the provisions of Section 37 of the Mining Proclamation. Such permit would only authorise the holder thereof and his authorized servants to prospect, peg claims and mine on private land.

As no doubt you are well aware, the Tati Company Limited, and its predecessors in title, have issued Mining Regulations under which any person may obtain the right to prospect and peg claims and work claims so pegged, and certain fees and payments are provided in such Mining Regulations to be paid to the Tati Company Limited. If the Tati District is brought within the provisions of the Mining Proclamation then all such fees and licences would be payable to the Crown; only a portion of the fees accruing from sites would be paid to the owners of the land, but the royalties would in terms of Section 38 of the Proclamation be paid to the holders of the mineral rights. The Tati Company therefore would be greatly prejudiced by the Mining Proclamation being applied to the Tati District.

Under Section 52 also no person could erect upon any claims any buildings for the purpose of trading with the public, except when authorized by the Resident Commissioner. At the present time the Tati Company are entitled to lease sites for trading purposes, and thus are able to derive certain revenue, but they would be debarred from leasing sites situate on claims without the authority of the Resident Commissioner if the Mining Proclamation were applied to the Tati District.

We are, therefore, instructed by the Tati Company Limited to strongly protest against the proposed Mining Proclamation in so far as it may be applied to the Tati District, and to request that the Mining Proclamation be so amended as to exclude from the operation thereof the whole of the Tati District, on the ground that it constitutes an interference with the rights of the Tati Company as the owner of all minerals and precious stones in the whole of such District.

It would appear that it is the intention that such Mining Proclamation should be brought into force as from the last January, 1932. In order that our clients may be able to amplify their objections, we have the honour to ask that the bringing into force of such Mining Proclamation may be held over to enable our clients to file such further objections as they may consider necessary, and that such objections may be considered by His Excellency, the High Commissioner, before such Proclamation is brought into effect. We trust, however, that the protest already transmitted to you by our clients by cable from London and the protest set forth in this letter will be sufficient to satisfy His Excellency that the Draft Mining Proclamation should be so amended as to exclude the whole of the Tati District from the operation thereof.

We have, &c.,
COGHLAN & WELSH.

The Secretary to
His Honour, the Resident Commissioner,
Mafeking.

78

II.—CAPRIVI STRIP—DELIMITATION OF NORTHERN BOUNDARY.

D. 945/27.

No. 103.

MEMORANDUM BY MR. A. C. C. PARKINSON (DOMINIONS OFFICE) REGARDING THE CAPRIVI-ZIPFEL.

1. (i) There was signed at Lisbon on the 30th December, 1886, a declaration between Portugal and Germany respecting the delimitation of the possessions of the two countries and their respective Spheres of Influence in South Africa.*

Article I of this Declaration deals with the boundary line in South West Africa: it reads as follows:—

> "The boundary line between the Portuguese and German possesions in South West Africa shall follow the course of the River Kunene from its mouth to the cataracts which are formed by that river to the south of Humbe when crossing the range of the Canná hills. From this point the line will run along the parallel as far as the River Kubango, and thence it will continue along the course of the same river as far as Andara, which place is to remain within the sphere of German interests. From this place the boundary line will continue in a straight direction eastwards as far as the rapids of Katima, on the Zambesi."

By an "additional article" this Convention was to come into force and to be obligatory on the two Governments after its approval by the Portuguese Cortes and after its official publication in the two countries.

According to a footnote the Convention was approved by Portuguese Law of 13th July, 1887, and was published in the *Official Journal* of Lisbon, 21st July, 1887.

The Foreign Office have no record of the publication of the Convention by the German Government, but it is clear that the German Government definitely accepted it (cf. German note quoted in 21 (ii) infra).

(ii) A Portuguese Yellow Book† contains correspondence relative to the negotiations leading up to the Convention signed on the 30th December, 1886.

It is of interest to note that the declaration as signed was the German "contra-projecto"; in the Portuguese "projecto de tratado," Article I was somewhat differently worded: the boundary after reaching Andara and leaving that place subject to the German protectorate was to go "par um parallelo até á intersecção d'esta linha com o rio Zambeze, proximo dos rapidos de Katima."

Had the Portuguese version been adopted, it would have proved to be impossible in fact to delimit the boundary as described, seeing that the parallel of Andara is some 35′ south of the parallel of the Katima rapids. The adoption of the German counter-project presumably obviated this difficulty (whether or not foreseen), as the line goes "in a straight direction eastwards" ("in gerader Richtung ostlich" is the German text and "em linha recta na direcçao de E." is the Portuguese text)—*i.e.*, a straight line in an easterly direction, which is not necessarily the same as a line along a parallel of latitude which would go due east.

2. (i) On the 1st July, 1890, there was signed at Berlin an Agreement between the British and German Governments respecting Africa and Heligoland.‡ Article III which relates to the German Sphere of Influence in South West Africa reads as follows:—

> "In South West Africa the sphere in which the exercise of influence is reserved to Germany is bounded:—
>
> "*Namaqualand, Damaraland, &c.*—(1) To the south by a line commencing at the mouth of the Orange River, and ascending the north bank of that river to the point of its intersection by the 20th degree of east longitude.
>
> "(2) To the east by a line commencing at the above-named point and following the 20th degree of east longitude to the point of its intersection by the 22nd parallel of south latitude, it runs eastward along that parallel to the point of its intersection by the 21st degree of east longitude; thence it follows that degree northward to the point of its intersection by the 18th parallel of south latitude; it runs eastward along that parallel till it reaches the River Chobe; and descends the centre of the main channel of that river to its junction with the Zambesi, where it terminates.
>
> "*German Access to the Zambesi.*—It is understood that under this arrangement Germany shall have free access from her Protectorate to the Zambesi by a strip of territory which shall at no point be less than 20 English miles in width.

---

* State Papers, Vol. 77, pp. 603-605. (C.O. Library, Pol. 8789.)

† Documentos apresentados á Cortes na sessão legislativa de 1887.

‡ Hertslet's Map of Africa by Treaty, Vol. III, pp. 899-906.

"*South West Africa. British Sphere of Influence. Bechuanaland, Kalahari, &c.*—The sphere in which the exercise of influence is reserved to Great Britain is bounded to the west and north-west by the above-mentioned line.

"*Lake Ngami.*—It includes Lake Ngami.

"*Map.*—The course of the above boundary is traced in general accordance with a map officially prepared for the British Government in 1889."

* * * * * * * * * * *

N.B.—There is a footnote in Hertslet :—

The map referred to was entitled Map of Matabililand and adjoining territories (Int. Div. No. 776, October, 1889).

A tracing* of the relevant part of this map is annexed to this memorandum.

Article VI of the Agreement reads as follows :—

"*Lines of Demarcation Subject to Modification.*—All the lines of demarcation traced in Articles I to IV shall be subject to rectification by agreement between the two Powers, in accordance with local requirements."

(ii) In a despatch to Sir E. Malet in Berlin dated the 28th June, 1890,† enclosing the draft of this Agreement, Sir Percy Anderson wrote as follows in regard to Article III :—

"The territory hitherto assigned to neither Power extended from the 20th to the 24th degree of east longitude : in the present partition of interests a portion covering three degrees will be under British, the remainder covering one degree under German, influence. The provision, inserted in Article III, for a contingent rectification in order to give Germany access to the Zambesi, is inserted because in certain maps, Andara, which is the southern limit of the Portuguese sphere under the arrangement with Germany, is placed south of the 18th parallel; in all the best maps, however, including one excellent chart prepared by the Intelligence Department of the War Office, which has been our principal authority, it is placed well to the north of that parallel, and it is, consequently not probable that any rectification will be required."

(iii) As regards the maps used when this Agreement was negotiated :—

The footnote in Hertslet indicates, as stated above, that the map referred to in Article III was "Int. Div. No. 776, October, 1889."

The map reproduced in Hertslet to illustrate Article III is a reduction of another map, viz., "Int. Div. of the War Office Map No. 846 B."

In this latter map, Andara is placed in about 17° 30′ south latitude—*i.e.*, considerably to the north of the 18th parallel, and the new Anglo-German boundary is shown as running due east along the 18th parallel from the 21st meridian of East longitude until it meets the Kuando or Chobe River.

3. On the 10th June, 1905, the then King of Italy handed to the British Ambassador in Rome his arbitral decision‡ on the question at issue between Great Britain and Portugal respecting the western boundary of the Barotse Kingdom.

The King's award, so far as concerns the south-west portion of the boundary of the Barotse Kingdom, was as follows :—

"The straight line between the Katima Rapids, on the Zambesi, and the village of Andara, on the Okavango, as far as the point when it meets the River Kwando;

"The eastern side of the bed of the upper waters of the Kwando, as far as the point of intersection with the 22nd meridian east of Greenwich."

* * * * * * * * * * *

It will be noted that the boundary thus fixed from the Katima Rapids to the Kwando River coincides with the German-Portuguese boundary as settled in this particular area by the declaration of 30th December, 1886.

4. In despatch No. 1357 of the 22nd December, 1902,§ the High Commissioner for South Africa (Lord Milner) in discussing the territory in dispute between Lewanika and Sekgoma, pointed out that Germany was entitled, under the Agreements referred to above, to a strip extending from the South West African Protectorate to the Zambezi of a minimum width of 20 English miles.

"The exact position of this strip," he wrote, "though fixed in the agreements, is really indeterminate, owing to the fact that the village of Andara, which

* Not reproduced. † Africa No. 6 (1890) (Cd. 6046). ‡ Africa No. 5 (1905) (Cd. 2384).
§ No. 6 in Africa (South) No. 717.

was supposed to be some way north of the 18th parallel, has been found to lie slightly to the south of it.

"But as far as I can gather from a perusal of the agreements, the proper boundary of the German strip would be on the north along the River Kubango, to the village of Andara or a point opposite to it, and thence in a straight line to the rapids of Katima on the Zambesi.

"On the south, a line starting from the 21st degree of longitude, at a point 20 miles due south of the northern boundary, running parallel to the northern boundary at a distance of 20 miles till the Chobe is reached, and thence along the channel of that river to its junction with the Zambesi."

5. In reply, the High Commissioner was informed in a Confidential despatch of the 4th July, 1903,* that while the delimitation of the strip would have advantages, there was a decisive objection to delimitation at that time in view of the bearing of the dispute between Lewanika and Sekgoma on the claims which His Majesty's Government were then discussing with the Portuguese Government. Pending the decision of the arbitrator it was thought undesirable to call attention in any way to this part of the country. (*See* 3, *supra*, for the arbitral award.)

6. In June, 1905, there was telegraphic correspondence† between the High Commissioner (Lord Selborne) and the Secretary of State as to a visit of a German officer of the General Staff "to the point on the Zambesi where German territory touches that river." The object of the mission was described as arising out of the survey connected with the triangulation of South Africa. The High Commissioner was informed in a telegram of the 26th June, 1905, that there was no objection to such a visit, but that of course we should not be in any way bound by the geographical results of this officer's mission when the time came for delimiting the German strip to the Zambesi.

7. In despatch No. 1160 of the 11th December, 1905,‡ the High Commissioner (Lord Selborne) forwarded a report from the Resident Commissioner of the Bechuanaland Protectorate urging that the delimitation of the German strip should be undertaken as soon as possible, especially as with the issue of the King of Italy's Award the principal reason for delay had been removed. In the Resident Commissioner's opinion the boundaries of the strip remained as described in Lord Milner's despatch of the 22nd December, 1902 (see 4, *supra*).

The Resident Commissioner enclosed a report from Lieutenant G. A. Merry, the Acting Magistrate at Tsau in Ngamiland. In this report, Lieutenant Merry showed that :—

(*a*) Lebebe's village, which had been thought by Sir Hamilton Goold-Adams§ to be identical with Andara, was not identical with that place, and that the Andara of the Agreements was a point on the Okovango River about three miles north-west of Lebebe's existing village;

(*b*) if it were decided that the channel of the Kwando (Chobe) River should form part of the boundary line on the south of the strip, Germany would have obtained a much wider strip of territory on the Zambesi than that to which she was entitled under the Anglo-German Agreement, and in exchange for this territory conceded at the eastern end of the Strip, a reduction in the width of the Strip at the Andara end might be negotiated;

(*c*) from the Protectorate point of view it was desirable to keep the southern boundary of the Strip as far north as possible, as concessions in this area deprived the Batawana of territory which had hitherto most undoubtedly belonged to them.

8. The despatch referred to in 7 was not answered until May, 1907, and in the meantime Mathibi had become Chief of the Batawana. In a Confidential despatch of the 4th May, 1907,‖ the High Commissioner was sent a copy of a letter of even date to the Foreign Office. In this letter it was pointed out that the demarcation of the southern boundary of the German strip would be a matter of no small difficulty, both because it must depend upon the demarcation of the northern boundary and because it would involve a curtailment of the reserve assigned to the Batawana. If, as was supposed when the Anglo-German Agreement was concluded, the German-Portuguese boundary was well to the north of the 18th parallel at all points, the

* No. 225 in African (South) No. 717. † No. 173 and 174A in African (South) No. 763.
‡ No. 326 in African (South) No. 763. § Enclosure 2 to No. 58 in African (South) No. 766.
‖ No. 83 in African (South) No. 872.

southern boundary would have followed the 18th parallel to the Chobe. But it now appeared that the German-Portuguese boundary was further south than it was thought to be in 1890, and that at one point, at least—*i.e.*, Andara—the boundary would itself come south of the 18th parallel. His Majesty's Government were bound by the Agreement of 1890 to give Germany a strip not less than 20 miles in width from the 21st meridian to the Zambesi, but it did not follow that they were bound to withdraw south of the 18th parallel except where necessary to give a width of 20 miles. The southern boundary of the strip might therefore eventually be found to run along the 18th parallel in places, dipping below it only where the German-Portuguese boundary approached within 20 miles of that parallel. The real question at issue therefore was not whether the Anglo-German boundary should be demarcated, but whether the time was propitious for the demarcation of the German-Portuguese boundary. Further, the Secretary of State would deem it prudent to consult the High Commissioner again, in view of the change in chieftainship of the Batawana, as to the possible effect of demarcation on the natives before approaching Germany in the matter.

The High Commissioner was accordingly asked, when the copy of this letter to the Foreign Office was sent to him, for a considered opinion on the probable attitude of the Batawana should any steps be taken towards demarcation at present.

9. The Foreign Office, while satisfied to await the High Commissioner's views, stated that they were not in a position to offer any observations on the subject of the German-Portuguese boundary, which concerned principally those two Governments.* In reply to the Foreign Office, in a letter of the 27th July, 1907,† the Colonial Office again expressed the view that it would be well to await the observations of the High Commissioner as to the probable effect of delimitation on the Batawana; but in the meantime urged that His Majesty's Government should be represented at any proceedings connected with the delimitation of the German-Portuguese boundary to the north of the Strip, having regard to the reaction on the southern boundary of any deflection to the south (*e.g.*, in order to obtain a "natural boundary") of the northern boundary between Andara and the Kwando River

10. The reply from the High Commissioner‡ on the question put to him was to the effect that there were strong reasons for considering that any such delimitation of the southern boundary of the strip would at that moment be inexpedient.

As an alternative, he urged that His Majesty's Government should take most seriously into consideration the question of attempting to persuade the German Government to exchange the strip for a corresponding piece of territory taken out of the southern part of the Bechuanaland Protectorate.

11. After correspondence§ between the Colonial Office and Foreign Office, in which it was decided that any such negotiations with the German Government should be kept separate from the negotiations relative to the Orange River boundary, the British Ambassador in Berlin, on instructions from His Majesty's Government, presented a note to the German Government dated the 22nd July, 1908,‖ in which the difficulties connected with the delimitation of the strip and the possible complications arising out of the existence of such a strip were pointed out; further, it was suggested that the strip was of no value either intrinsically or as a highway to the navigable water of the Zambesi, which was closed by the Katima rapids at the west end, while the Victoria Falls prevented vessels descending to the portion of the river running through Rhodesian territory. In the circumstances it was proposed that the strip in question should be ceded to Great Britain in exchange for the portion of the Bechuanaland Protectorate lying between the 22nd parallel on the north, the 21st meridian on the east, an east and west line on the south passing through the point of intersection of the Nosop River with the 21st meridian, and the existing German boundary on the west.

A copy of this note was sent to the High Commissioner in a Confidential despatch of the 13th August, 1908.

12. In a despatch of the 14th August, 1908,¶ the British Ambassador in Berlin forwarded the German Government's reply which was that it was impossible for that Government to agree to the proposal, as the value of the tract of territory offered corresponded in no respect to that of the district which the German Government was entitled to claim under the Agreement of the 1st July, 1890.

* No. 87 in African (South) No. 872. † No. 132 in African (South) No. 872.
‡ No. 6 in African (South) No. 899. § Nos. 34, 88 and 97, in African (South) No. 899.
‖ Enclosure in No. 113 in African (South) No. 899. ¶ Enclosure in No. 123 in African (South) No. 899.

In forwarding this reply, the Ambassador explained that Herr von Lindequist had mentioned in the course of conversation at the Embassy that the Colonial Department were not opposed in principle to an exchange, but that the territory offered was waterless and of no use to them.

Further, in view of the German Government's categorical refusal to consider the offer, the Ambassador said that he had not put forward the modification in the offer telegraphed to him after the original instructions had been sent to him, viz., the substitution of the 25th parallel to form the southern boundary of the area offered in exchange for the strip.

13. In communicating to the High Commissioner the German Government's reply, the Secretary of State observed* that there was at the present time no opportunity of supplementing the offer by means of territory elsewhere in the Empire, and unless the High Commissioner could suggest more valuable consideration to be offered to Germany in the Bechuanaland Protectorate itself, it would appear necessary to leave matters for the present as they were.

14. Meanwhile, certain arrangements had been made locally with the Governor of German South West Africa for the policing of the Caprivi Strip, which had been a veritable "Alsatia." In asking for more detailed information on this subject, the Secretary of State observed to the High Commissioner in his despatch Confidential (2) of the 2nd January, 1909,† that these measures, necessary as they were in the cause of order, might cause trouble with the Batawana, and appeared to render it impossible to defer further the question of delimiting the boundary, and that unless the High Commissioner had any further suggestion to make as to the offer of territory in exchange for the strip, the German Government would have to be approached without delay with a view to the delimitation of the boundary.

15. In a Confidential despatch of the 8th February, 1909,‡ the High Commissioner said that the only possible extension of his previous offer could be the piece of Cape Colony lying between the Nosop River and the 20th meridian, but that until South Africa was unified, he did not think there was any use in raising the question. The idea of giving up Walfisch Bay for the Caprivi Strip—or for anything else—was wholly out of the question.

16. In a letter to the Foreign Office of the 13th March, 1909,§ the Colonial Office acknowledged a letter forwarding a copy of a map of the territory between the Okavango River and the Zambesi about to be published by the German Government. This map was "Karte des Gebiets zwischen Okawango und Sambesi (Caprivi Zipfel) nach den Aufnahmen von Franz Seiner in den Jahren 1905-1906," printed by Dietrich Reimer (Ernst Vohsen), Berlin. It is numbered "South Africa—No. 71" in the Dominions Office Library. A tracing of the relevant part of this map is annexed to this memorandum.‖ The Colonial Office pointed out that the map followed earlier German maps in making the southern boundary of the Strip run parallel to the 18th parallel between the 21st meridian and the River Chobe, the effect of which was an implied claim to an area clearly of greater width than the 20 miles laid down in the Agreement of 1st July, 1890. The claim to an area of the extent shown in the German map was one which His Majesty's Government would have good grounds for resisting if the question of the delimitation of the Anglo-German boundary in that region were to arise. For reasons connected with the state of affairs in the Batawana Reserve, it did not appear necessary or desirable at the present moment to enter into a general discussion of the question with the German Government, but it was suggested that it would be advisable to communicate to the German Government copies of a map of the Bechuanaland Protectorate prepared by the Director of Military Operations, which indicated the view which His Majesty's Government had held as to the proper position of the boundary: otherwise, if the matter should come before a Court of Arbitration, the German map might be quoted by the German Government in support of their case, especially if a copy had been communicated to His Majesty's Government and received by them without remark.

The map prepared for communication to the German Government was the "Sketch Map of the Bechuanaland Protectorate"—G.S., G.S., No. 2460, dated April, 1909. A copy is annexed to this memorandum.‖

The maps of the Bechuanaland Protectorate in question were duly communicated to the German Government¶ with the compliments of the British Ambassador at Berlin, but without comment.

* No. 131 in African (South) No. 899. † No. 4 in African (South) No. 932.
‡ No. 43 in African (South) No. 932. § No. 58 in African (South) No. 932.
‖ Not reproduced. ¶ No. 109 in African (South) No. 932.

17. In a Confidential despatch of the 17th January, 1910,* the High Commissioner forwarded a copy of a despatch from the Resident Commissioner of the Bechuanaland Protectorate indicating that Chief Mathiba and the headmen of the Batawana themselves wished to see the boundary between their reserve and the Caprivi strip defined and recommending that the boundary should be delimited as soon as possible.

18. Thereupon, the Colonial Office suggested to the Foreign Office in a letter of the 19th February, 1910,† that, while no useful purpose could be served by further delaying demarcation of the boundary, the German and Portuguese Governments should be approached with a view to taking steps jointly with His Majesty's Government for the delimitation of the Andara-Katima line as a preliminary to the settlement of the southern boundary of the strip.

Action was taken accordingly, the necessary instructions being conveyed to the British Representatives in Berlin and Lisbon in notes dated the 12th March, 1910.‡

19. The German Government in a note of the 30th April, 1910,§ replied to the effect that the presence of a mixed commission for this purpose should be used to determine also the southern boundary of the strip. After reference to the governing provisions of the Agreement of the 1st July, 1890, and the fact that Andara had proved to be situate below the 18th parallel (" about 18° 1′ 5″ south latitude "), the note set out the opinion of the German Government that the boundary between the 21st meridian and the Chobe (or Linyanti) River " must be formed by a parallel of latitude lying 20 English miles south of the southernmost point of the German-Portuguese boundary in the neighbourhood of Andara." The German Government " must distinctly contest the justice of such a demarcation " as frequently represented on English maps—*i.e.*, not along a parallel of latitude, but along an oblique line parallel to, and at a distance of 20 English miles from, the northern boundary from Andara to the Katima-Molilo Rapids. The note continues:—

> " In Article 3, paragraph 2, section 1 of the Agreement of 1st July, 1890, a parallel is expressly mentioned as the boundary line between the 18th meridian and the Chobe. In case this clearly defined parallel proves, from geographical considerations, unsuited for demarcation, because Germany would then have no access to her Zambesi territory, or at least no strip of land of a minimum breadth of 20 English miles giving access to that territory, there can, logically, and from considerations of analogy, instead of this 18th parallel of latitude, only be a question of another parallel of latitude such as would fulfil the terms of the second sentence of the above-mentioned paragraph 2, but not an oblique line running parallel to the German-Portuguese boundary, a line certainly not contemplated by either of the negotiating parties in 1890.
>
> " The Agreement of 1st July, 1890, contains no definite provisions as to the eastern boundary of the German Zambesi territory. The Imperial Government presume that the Government of Great Britain will agree to the eastern boundary of the German territory being formed by a line curving in from the thalweg of the Chobe to that of the Zambesi, and then following the thalweg of the Zambesi on stream to the point where that river meets the Katima-Molilo Rapids."

20. Commenting upon the German note in a letter to the Foreign Office of the 24th June, 1910,‖ the Colonial Office observed:—

(i) That, although Article III, paragraph 2, of the Agreement of 1st July, 1890, contemplated that Germany should have access to the Zambesi by a strip which should be nowhere less than 20 miles wide, paragraph (2) of that Article specified not " a parallel " but " that parallel "—*i.e.*, the 18th parallel as the boundary between the 21st meridian and the Chobe River; that as the treaty definition of the boundary could not in fact be strictly adhered to, recourse must be had to the provisions of Article VI, and " that it would be a reasonable compromise to adopt the 18th parallel as the boundary only so far as may be found necessary to comply with the treaty obligation to assign to Germany a strip at no point less than 20 miles wide between the southern boundary and the Andara-Katima line, which latter line is fixed by Treaty and arbitral award as the Anglo-Portuguese-German boundary to the north of the strip."

(ii) That so far as the Secretary of State was aware, there was no objection to accepting the thalweg of the Zambesi as the boundary of the strip to the east, but that the High Commissioner should be consulted on this point.

* No. 13 in African (South) No. 948. † No. 21 in African (South) No. 948.
‡ Enclosure in No. 33 in African (South) No. 948.
§ Enclosure in No. 76 in African (South) No. 948. ‖ No. 83 in African (South) No. 948.

21. (i) So far as concerns the correspondence with the German Government, the next step was to ask that Government to explain the construction placed by them on the relative provisions of the Agreement of 1890 in their note of the 30th April, 1910.

(ii) The German reply sent in December, 1910,* forwarded a memorandum with a detailed statement of the attitude adopted by the German Colonial Secretary. The translation of this memorandum reads as follows:—

> " According to Article 3, No. 2, paragraph 2 of the Agreement of 1st July, 1890, the southern boundary of the German territory between the 21st meridian and the Chobe River is to be formed by a parallel of latitude.
>
> " This follows from the following considerations:—
>
> " Article 3, No. 2, paragraph 2 can only be intended in case the map used at that time should prove to be incorrect, to prevent an encroachment of English territory on the German strip of territory, in so far as such encroachment could make the strip of territory giving access to the German Zambesi territory at any point narrower than 20 English miles. The paragraph in question is not intended to cancel or modify paragraph 1, but it is also not intended to prevent this strip in certain eventualities, and according to the geographical conditions, from being more than 20 English miles in width.
>
> " Another wording of Article 3, No. 2, of the Agreement, would have been chosen if it had been the intention of the parties in 1890 that, in case the provisions of Article 3, No. 2, paragraph 2, should come into force, the southern boundary of the German territory should not be marked by a parallel of latitude running at a distance of 20 English miles to the south of the most southern point of the northern boundary of the German territory in the vicinity of Andara from the 21st meridian to the Chobe River, but by a straight line running parallel to the German-Portuguese boundary and at a distance of 20 English miles from it.
>
> " As the course of the German-Portuguese boundary had already been fixed by the German-Portuguese Agreement of 30th December, 1886, paragraph 2 of No. 2 of the German-English Agreement of 1st July, 1890, would, if the present view of the British Government were correct, have been omitted, and it would have been simply provided that from the 21st meridian the southern boundary of the German territory runs parallel to its northern boundary and at a distance of 20 English miles from it.
>
> " The very fact that this simple form was not chosen in 1890, but that it was considered necessary to introduce a special reservation in favour of Germany, goes to prove that a parallel of latitude only was taken into consideration as the southern boundary of the German territory.
>
> " As the above-mentioned simple delimitation of the boundary was not chosen, which would have been the case if the present view of the British Government were correct, the actual form of Article 3 goes to prove that both Powers had in 1890 the intention of providing that the southern boundary of the German territory should be in any case a parallel of latitude. If for any reasons this cannot be the 18th parallel of latitude, it must from analogous arguments and considerations be some other parallel which fulfils the conditions of paragraph 2 of No. 2. For, apart from the natural boundaries mentioned in paragraph 2 of No. 2, nothing is mentioned there of any other than such artificial boundaries as are formed by degrees of latitude and longitude."

The covering note added that if His Majesty's Government could not concur in the view expressed in the memorandum or regard the reasons brought forward as conclusive, the German Government would propose that the matter go to arbitration for a decision as soon as possible.

(iii) The comments of the Foreign Office† on the German contention were to the following effect:—

The German Government did not apparently appreciate the fact that the topographical information at the disposal of the negotiators of the 1890 Agreement was inaccurate: Andara was then believed to lie considerably more than 20 miles north of latitude 18° south, but Foreign Office records indicated that as one map then consulted brought the Portuguese sphere south of that latitude, Dr. Krauel (the German negotiator) suggested the insertion of a clause assuring Germany access to the Zambesi by a strip not less than 20 miles in breadth: according to the map used by the Commissioners at the time, the provision actually embodied in the Agreement was more favourable to Germany than one merely giving Germany a strip 20 miles broad.

* Enclosure in No. 132 in African (South) No. 948. † No. 139 in African (South) No. 948.

22. It will be convenient at this stage to complete a summary of the correspondence relative to subsidiary points connected with the boundary which had already come, or subsequently came, under consideration.

(i) As regards the eastern boundary (see paragraph 20 (ii) *supra* the High Commissioner reported in his despatch Confidential (4) of the 30th November, 1910,* that he saw no reason why the centre of the main channel of the Zambesi should not be accepted: if this involved surrendering to Germany one or two small islands between the main channel and the west bank, he thought no serious loss would be entailed: he was, however, consulting the Administrator of North West Rhodesia on the point.

The Administrator took the view† that nothing but the centre of the main channel of the Zambesi could be taken on principle as the boundary, but in defining the actual boundary, some consideration should be given to Lewanika's claims to various islands on which he had always grazed his cattle and it would be necessary to state to which country each island belonged, as the main channel is liable to shift its position.

A report from the Native Commissioner in the Sesheke District, North West Rhodesia, dated the 9th March, 1911,‡ indicated that there were only 3 islands in the Zambesi between North West Rhodesia and the Caprivi Strip used by North West Rhodesian natives for grazing cattle, viz., Mangoola, Mantungu and Mambova, of which the first had been claimed by the Germans as part of the Strip and had thus been the source of much correspondence with the German Resident at Schuckmannsburg.

The Colonial Office expressed to the Foreign Office in a letter of the 8th July, 1911,§ the view that when the time came for deciding whether the boundary in this part should be the thalweg of the Zambesi, due consideration must be given to the vested rights of the Barotse in these islands.

(ii) In a Confidential despatch of the 16th March, 1910,‖ the Resident Commissioner of the Bechuanaland Protectorate drew attention to the existence of an island in the north-east corner of the Batawana Reserve, the retention of the major portion of which within the Reserve would depend upon the decision of a Commission as to whether the north or south stream was the main channel of the Chobe (or Linyanti) River: this island formed the most valuable hunting ground for elephants, &c., for the Batawana.

Apart from this, the Resident Commissioner did not think that it would be necessary to compensate the Batawana for any small diminution of their Reserve which might result from demarcating the boundary; but if it were considered politic to give the tribe a *quid pro quo*, their boundary could easily be extended to the east in the unappropriated Crown land.

The island in question was understood to be the "Swampy Island" to the north of what is marked as the main channel of the Chobe River in map G.S., G.S., No. 2460:¶ the Colonial Office took the view** that it would accordingly seem difficult to maintain that the island should be regarded as falling within the Batawana Reserve.

In a Confidential despatch of the 14th January, 1911,†† the Secretary of State drew the attention of the High Commissioner to the fact that in Article III of the 1890 Agreement the phrase used is "the centre of the *main* channel" of the River Chobe to its junction with the Zambesi, and asked for all available information from local sources in support of the view that the north channel is the main channel.

Captain H. V. Eason of the Bechuanaland Protectorate Police, stationed at Kazungulu, was asked by the Resident Commissioner whether he could carry out the necessary investigation‡‡ the Resident Commissioner pointed out that the *width* of the channel would have little to do with it, the question under consideration would have to be solved by following up the deepest channel in which there is the *strongest* current. Captain Eason was quite prepared to undertake the work, but the matter was postponed owing to a misunderstanding.§§ Captain Eason subsequently began the investigation and sent in a preliminary report on the 5th August, 1912,‖‖ but he was never able to complete it and the Resident Commissioner thought that a Royal Engineer would have to take it up from the point where Captain Eason had to break off ¶¶ ***

* No. 136 in African (South) No. 948. † Enclosure 2 in No. 13 in African (South) No. 969.
‡ Enclosure in No. 69 in African (South) No. 969. § No. 73 in African (South) No. 969.
‖ Enclosure in No. 57 in African (South) No. 948. ¶ Not reproduced.
** No. 103 in African (South) No. 948. †† No. 4 in African (South) No. 969.
‡‡ Enclosure in No. 65 in African (South) No. 969 §§ No. 91 in African (South) No. 969.
‖‖ D. 32507/12. ¶¶ Enclosure in No. 3 in African (South) No. 1015.
*** As regards the Linyanti River, *see* report of the Kalahari Reconnaissance in D. 9005/26, pp. 15, *et seq.*, and plate V - not printed.

(iii) As the result of a suggestion by the Director of Military Operations, Sir Hamilton Goold-Adams was consulted at the Colonial Office in regard to the boundary and certain matters of detail.* The only points of interest arising out of this consultation were—

(*a*) Sir H. Goold-Adams thought that the territory in dispute was generally uniform in character and that there was no part of it for the retention of which His Majesty's Government should make a special effort.

(*b*) The point on the Katima Rapids at which the Andara-Katima line should strike the Zambesi was important, as (according to the British view) the southern boundary was dependent upon this line, from which the 20 miles width would be measured to the west of the Chobe, so far as it would run below the 18th parallel.

As regards (*b*)—the Katima Rapids—the Administrator of North West Rhodesia reported in a despatch of the 24th December, 1910 (forwarded in the High Commissioner's Confidential despatch of the 18th January, 1911†) that the Katima Molilo Rapids were the first met with going up-stream from Sesheke: they extend about 850 yards, as described in a report by Mr. C. Hazard, of the Survey Department:‡ the centre of this length is the point to which the line from Andara should be directed. This line might, however, strike the river before it reached the rapids, and presumably in that case the boundary would follow the thalweg down stream from that point.

In a letter from the Colonial Office to the Foreign Office of the 26th August, 1911,§ it was stated that there appeared to be sufficient evidence to show that the Andara-Katima line would strike the Zambesi before it reached the actual rapids; it would, accordingly be desirable to have an agreement that the line should terminate at the first point where it touched the Zambesi, and that from that point the boundary should be the thalweg, subject to a possible adjustment in respect of islands in that river for safeguarding the rights of the Barotse (c.f. paragraph 22 (i) *supra*).

(iv) The precise position of Andara for the purpose of delimiting the Andara-Katima line would have to be agreed upon by the British, German, and Portuguese Governments. The Colonial Office pointed out in a letter to the Foreign Office of the 26th August, 1911,‖ that the name Andara used in the German Portuguese Convention of 1886 was the name of a Chief applied to his place of residence; that the Chief's residence had since been removed to an island further down the river; that this change was recorded on the Andara section of the German map "Kreigskarte von Deutsch Süd West Afrika," published by Dietrich Reimer (Berlin), 1904,¶ which marked both "Alt-Andara" and "Andara" further down stream; and that before any Commission was appointed to delimit the boundary, the three Governments should agree that the older site was the starting point for the Andara-Katima line.

(v) As regards all these subsidiary points (except for the necessary local investigation as to the main channel of the Chobe River referred to above), it was decided** that no action could be taken until it had been settled whether or not the question of the southern boundary of the strip should be referred to arbitration (see paragraph 23 *infra*), the Director of Military Operations having expressed the view that they should form the subject of negotiation between the three Governments before Joint Commissions set out to delimit the boundaries.††

23. Reverting to the main question. It was decided to act upon the suggestion of the German Government that the question of the southern boundary should be referred to arbitration (see paragraph 21 (ii) *supra*). In a despatch of the 5th May, 1911,‡‡ the British Ambassador in Berlin was instructed to inform the German Government that His Majesty's Government were unable to accept the German view, and that they agreed to the question being referred to arbitration; that as the question at issue was the interpretation of a phrase in a treaty, it should be submitted to a purely judicial tribunal and that His Majesty's Government suggested reference either to The Hague Tribunal or to three arbitrators to be agreed jointly by the two Governments. A communication to this effect was made to the German Government in a note of the 8th May, 1911.§§

24. In a further note of the 12th September, 1911,‖‖ on instructions from the Foreign Office, the British Ambassador in Berlin informed the German Government that His Majesty's Government proposed, when the arbitration of the southern boundary was completed, to appoint a commission for the demarcation of both the

* No. 103 in African (South) No. 948. † Enclosure 2 in No. 13 in African (South) No. 969.
‡ D. 42704/08. § No. 79 in African (South) No. 969. ‖ No. 79 in African (South) No. 969.
¶ Not reproduced. ** No. 83 in African (South) No. 969. †† No. 77 in African (South) No. 969.
‡‡ No. 60 in African (South) No. 969. §§ Enclosure in No. 15 in African (South) No. 989.
‖‖ Enclosure 3 in No. 15 in African (South) No. 989.

northern and southern boundaries of the Strip, which would be joined in respect of the northern boundary with German and Portuguese commissions and in respect of the southern with a German commission; he observed that no definite answer had been received as to the delimitation of the Anglo-German-Portuguese boundary from Andara to the Katima Rapids (see paragraph 18 *supra*), and asked for the views of the German Government on that matter and also their decision as to the proposed arbitration.

At the same time the British Minister in Lisbon was instructed* to inform the Portuguese Government which had agreed in April, 1911, to appoint delegates for the purpose, that His Majesty's Government proposed to appoint a Commission to join the Portuguese delegates in demarcating the northern boundary, but that they could not proceed with this pending the settlement of certain points relative to the southern boundary, which it was proposed to settle with the German Government by arbitration.

25. In a letter of the 29th November, 1911,† to the Colonial Office, the Foreign Office stated that the German Government had inquired when His Majesty's Government would be in a position to furnish their views on the Orange River boundary, which was also in dispute. It had been decided, in consultation with the Union Ministers, that the submission of this boundary to arbitration should be deferred until the question of the Caprivi Strip southern boundary had been settled, but the Foreign Office now thought that the Orange River boundary question might be proceeded with. The two disputes were so different in character that it should be possible to convince the German Government, if they wished to refer both to the same tribunal, that the legal tribunal suitable to arbitrate on the Caprivi dispute would not have the technical knowledge to settle the Orange River dispute.

But as the result of representations made by the Colonial Office,‡ it was decided to communicate further with the Union Government. It is not necessary for present purposes to go into the Orange River boundary question; but it may be noted that it was explained to the Union Government that the inquiry of the German Ambassador taken in conjunction with the continued failure to elicit a definite reply from the German Government as to the Caprivi Strip arbitration seemed to indicate that they wished to delay their answer on the latter question until His Majesty's Government's attitude on the Orange River question was made clear, and in the event of arbitration on this being proposed, to suggest the submission of both questions to the same tribunal: in that event, if the suggestion could not be resisted, having regard to the strength of the British case in respect of the Caprivi Strip and the doubtfulness of the issue in the Orange River case, this would be greatly to the disadvantage of the Union Government and greatly to the advantage of the German Government.

The Union Government preferred to leave the Orange River boundary *in statu quo*, and the Colonial Office recommended that no answer should be made to the German Government on this question.§

26. The next move made by the German Government as to the Caprivi Strip southern boundary was an inquiry in a note of the 31st March, 1912,‖ in reply to which the British Ambassador at Berlin informed the German Government that His Majesty's Government were of opinion that the 18th parallel should form the eastern end of the boundary in so far as it was in conformity with Article III of the 1890 Agreement (*i.e.*, by not being less than 20 miles distant from the northern boundary).

27. No further correspondence or developments appear to have taken place for over two years. But in a note of 6th May, 1914,¶ the Director of Military Operations recurred to the question. A Commission under Major H. W. Gordon, R.E., was then demarcating the Angola-Rhodesia boundary with instructions to carry the boundary down the 22nd meridian to the Kwando River: at that point they would be within 110 miles of the Caprivi strip, and it was suggested that the Commission should extend their triangulation another 110 miles and leave permanent points from which the Caprivi Strip Commission would be able to start.

The Colonial Office in referring this note to the Foreign Office** concurred in the Director's view and asked that the Portuguese Government might be informed that instructions would be issued accordingly to the British Commissioners. As regards the future demarcation of the Caprivi Strip, this depended upon whether the German Government would agree to the dispute being submitted to arbitration. So far as the Secretary of State was aware, no reply had yet been received from the German

* Enclosure in No. 85 in African (South) No. 969.
† No. 100 in African (South) No. 969.
‡ No. 6 in African (South) No. 989.
§ No. 9 in African (South) No. 989.
‖ Enclosure in No. 11 in African (South) No. 989.
¶ No. 4 in African (South) No. 1015.
** No. 5 in African (South) No. 1015.

Government to the proposal made in 1911 (see paragraph 24 *supra*), and it was suggested that the German Government should now be asked to give a definite answer. If, however, this would lead the German Government to urge that the Orange River boundary be referred to arbitration at the same time, the Secretary of State was not anxious to press the matter.

The Foreign Office* felt that it was not for them to judge as to the advisability of incurring the risk, by re-opening the Caprivi question, of receiving a reply from the German Government refusing to arbitrate on the Caprivi Strip unless the Orange River question were decided in like manner and insisting on a settlement. In the circumstances the German Government would not be approached until it was known that the Secretary of State for the Colonies considered this desirable.

The Foreign Office letter was referred for consideration to the High Commissioner in despatch Confidential (2) of the 20th June, 1914.†

28. Thus the matter stood on the outbreak of the Great War on the 4th August, 1914, and the question remained in abeyance throughout the War. Nor was the extended triangulation by the Angola-Rhodesia Commission carried out (see paragraph 27 *supra*), as the Commissioners were instructed, in consequence of the outbreak of war, to terminate their work at the Kwando River.‡

29. After the war, by Article 119 of the Treaty of Versailles Germany renounced in favour of the Principal Allied and Associated Powers her rights and titles over her oversea possessions, and on the 7th May, 1919, the Principal Allied and Associated Powers decided that the Mandate for German South West Africa should be conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Union of South Africa.

30. Arrangements were made, as a matter of convenience, for the Caprivi Strip to be administered on behalf of the Union Government by the High Commissioner for South Africa through the Bechuanaland Protectorate administration. In the *Union Gazette* of the 13th January, 1922, a Proclamation (No. 12 of 1922)§ by the Governor-General was published to give effect to this arrangement. According to this Proclamation, "the High Commissioner of South Africa shall, until other provision is made in that behalf, be the Administrator of Caprivi Zipfel," and further "to the intent and purpose that all things done by the High Commissioner of South Africa and those serving under him in the administration of Caprivi Zipfel from 1st January, 1921, may be ratified, this Proclamation shall be deemed to have been of full force and effect from that date."

It may be noted that in this Proclamation no attempt was made to define the boundaries of the Strip: the preamble runs, "Whereas the geographical position of that part of the territory of South West Africa east of longitude 21° east known as Caprivi Zipfel makes it expedient . . . ."

31. (i) In the Report of the Sixth Session of the Permanent Mandates Commission dated 10th July, 1925,‖ the Commission drew attention to the fact that the Report for South West Africa did not touch upon the administration of Caprivi Zipfel. The accredited representative said that he would request his Government to furnish explanations on this point. The Commission expressed the desire that in future the Report on Caprivi Zipfel should be communicated at the same time as the Report on the rest of the territory under mandate.

(ii) In the Report of the Seventh Session of the Commission (19th-30th October, 1925)¶ it is stated that the first annual Report on the Caprivi Zipfel zone (1st April, 1924—31st March, 1925) was received from the South African Government on 23rd July, 1925: the Commission did not have the co-operation of a representative of the Mandatory Power in examining the Report, but "in view of the small extent of this part of the territory his absence did not on this occasion give rise to any inconvenience." The Commission go on to say that they "would appreciate a clear and concise statement from the Mandatory Power explaining, from the legal standpoint, the administrative relations between Caprivi Zipfel and the Mandatory Power. It is particularly anxious to know whether the Administration takes its instructions from the Administrator for South West Africa or whether it is directly under the control of the Government of the Union of South Africa."

(iii) The annual reports on the Strip are prepared by the Bechuanaland Protectorate Administration and forwarded by the High Commissioner to the Union

* No. 6 in African (South) No. 1015.
† No. 7 in African (South) No. 1015.
‡ D. 25345/14.
§ Not printed here.
‖ League of Nations Paper, A. 14. 1925, VI.
¶ League of Nations Paper, C. 648, M. 237. 1925, VI. C. P. M. 328.

Government. The latest yet available, i.e., that for 1925—is printed as Annexure "C" to the Report on South West Africa for that year: a copy was sent to the Dominions Office by the High Commissioner for information in his despatch No. 76 of the 12th February, 1926.*

32. The most recent official paper which has a bearing upon the Caprivi Strip and its boundaries is the "Agreement between the Government of the Union of South Africa and the Government of the Republic of Portugal in relation to the boundary between the Mandated Territory of South West Africa and Angola signed at Cape Town, 22nd June, 1926."†

Paragraphs (3), (4), and (7) of that Agreement read as follows:—

"(3) From the point at the Rua Cana Falls, described in Article 2 above, the boundary follows the parallel of latitude passing through the said beacon to a point where it cuts the middle line of the Okovango (Cubango) River and thence as described in Article I of the Treaty of Lisbon of the 30th December, 1886.

"(4) The boundary between the Territory and Angola shall in the first favourable season be demarcated by a joint commission to be appointed by the two Governments concerned. . . . . The whole of the boundary line shall be cleared and kept free of bush and trees. The demarcation, clearing and maintenance of the boundary line . . . . .

"(7) Wherever in demarcating the boundary as laid down in this Agreement it may be expedient to deviate from the line described, the Commissioners of the frontier shall arrange equitable compensation between the parties."

It would appear from these paragraphs that it is in contemplation to demarcate the whole boundary line, in which case the "Andara-Katima line" up to the River Kwando, *i.e.*, the northern boundary of the western part of the Caprivi Strip, would thus be delimited and finally settled.

33. As regards the question what *in practice* is being treated as the southern boundary of the Strip:—

(i) The only allusion found in the correspondence up to August, 1914, which helps in this matter, is in paragraph 3 of Mr. Barry May's despatch to the High Commissioner dated the 29th August, 1911, forwarded to the Colonial Office in the High Commissioner's despatch No. 657 of the 9th October, 1911.‡ This reads as follows:—

> "So far as the Protectorate Administration is concerned, it has been the practice for years to regard Mohango Drift, on the Okovango River, as representing approximately the southern boundary in that direction of the German strip, and it was thought that the German Government tacitly acquiesced in this arrangement as a temporary measure. Mr. Stigand, who visited Andara's (Dibebe) over a year ago, stated in a semi-official letter that he thought that Mohango was within a distance of 20 miles due south of Andara's, and so within the German strip, but his impression was not based on any instrumental measurements."

(ii) In reply to a semi-official inquiry on the subject to the Imperial Secretary in South Africa (10th February, 1926§), Captain Clifford has forwarded reports by the Acting Resident Commissioner of the Bechuanaland Protectorate, Mr. Nettleton, and Captain Stigand.‖ This correspondence goes to show that the Muhembo Drift had been regarded as the point where the boundary crossed the Okovango River, and that the furthest village north in that area at which hut-tax has been collected is Rampodu's. Mr. Nettleton says that owing to the fact that "no natives worth worrying about (probably a few bushmen) live off the river no difficulty arose in regard to the boundary line between the Okovango and the Chobe or Dieï"

According to Captain Stigand, in 1911, at his recommendation, "the Germans and ourselves agreed to look upon Muhembo Drift, on the Okovango, as a temporary boundary, this being within the triangle of disputed ground." "In 1920, however," he says, "when we took over the administration of the Strip, I naturally decided to adopt the British Government's definition of the southern boundary, and finding that the Sinterefu 'molapo' or flood channel the nearest pronounced and most suitable landmark on the Okovango, I gave it out personally, both at their villages and to local natives on the spot, to both Batawana and Mampukushu, that henceforth and until further notice this Sinterefu spillway channel was the boundary between the Batawana Reserve and the Caprivi Strip." In point of fact this boundary cuts through the Mampukushu, some living in the Strip and some just south of it.

* D. 2267/26; not printed. † Cmd. 2777. ‡ No. 87 in African (South) No. 969.
§ D. 7798/26; not printed. ‖ D. 13454/26; not printed.

A copy of the "Northern portion of Sketch Map of Ngamiland (including western portion of Caprivi Strip) and Ghanzi" based upon Captain Stigand's route traverses, &c.—G.S., G.S., No. 2988 (B)—dated Southampton, 1925,* is annexed. This map includes the western end of the Strip in detail on the scale of 1/500,000, and shows clearly Muhembo Drift, the Sinterefu spillway and other places referred to in the correspondence forwarded by the Imperial Secretary.

A. C. C. P.

Dominions Office,
1st February, 1927.

10707/6.

No. 104.

DESPATCH

from

UNION GOVERNMENT.

(Received 11th August, 1930.)

[Answered by No. 107.]

(No. 190.) Department of External Affairs,
Pretoria, 23rd July, 1930.

SIR,

In connexion with the Survey Commission at present engaged on the delimitation of the Caprivi Zipfel Strip bordering on the confines of Angola, Northern Rhodesia, and the Mandated Territory of South West Africa, I have the honour to inform you that Colonel Ellenberger who is representing the Bechuanaland Protectorate Administration in this matter has suggested that as the survey commission is now engaged on the delimitation of the northern boundary of the Caprivi Strip it might be convenient and would certainly save expense if the terminal points of the line from the western corner to the Kwando (also known as the Chobe or Linyanti) River were fixed and beacons erected there.

His Majesty's Government in the Union of South Africa agree with this suggestion, but the difficulty is that there seems to be a difference of opinion in regard to the direction of the southern boundary, and the question turns on the correct interpretation of Article 3 of the Agreement between Great Britain and Germany signed at Berlin on the 1st July, 1890, which defines the respective spheres of influence of the two countries in South Africa.

The Article reads as follows:—

"In South West Africa the sphere in which the exercise of influence is reserved to Germany is bounded:

1. To the south by a line commencing at the mouth of the Orange River, and ascending the north bank of that river to the point of its intersection by the 20th degree of east longitude.

2. To the east by a line commencing at the above-named point and following the 20th degree of east longitude to the point of its intersection by the 22nd parallel of south latitude; it runs eastward along that parallel to the point of its intersection by the 21st degree of east longitude; thence it follows that degree northward to the point of its intersection by the 18th parallel of south latitude; it runs eastward along that parallel till it reaches the river Chobe, and descends the centre of the main channel of that river to its junction with the Zambesi, where it terminates.

It is understood that under this arrangement Germany shall have free access from her Protectorate to the Zambesi by a strip of territory which shall at no point be less than 20 English miles in width.

The sphere in which the exercise of influence is reserved to Great Britain is bounded to the west and north-west by the above-mentioned line. It includes Lake Ngami.

The course of the above boundary is traced in general accordance with a map officially prepared for the British Government in 1889."

In correspondence which passed between the Governor of South West Africa and the Imperial Resident in the Caprivi Zipfel it is suggested that the view held by His Majesty's Government in the United Kingdom was that the southern boundary should run parallel with the northern boundary from Andara to Katima Molilo. There is no indication, however, that this represented the official view held by His Majesty's

* Not reproduced.

Government in the United Kingdom or that any negotiations in this connexion ever took place between them and the German Government.

The German Government's view is embodied in the following extract from a letter dated the 28th February, 1930, addressed to the Secretary of the South West African Administration by the German Consul at Windhoek :—

" The fixing of the geographic situation of Andara which was still uncertain at the time of the conclusion of the German-British Agreement of 1st July, 1890, could not cause any differences of opinion in view of the fact that the northern boundary of the Caprivi Zipfel, as this boundary was fixed by section 1 of the German-Portuguese Agreement of 30th December, 1886, was to proceed along the course of the Okavango River as far as the locality Andara, which fell into the German sphere of interests, and thence in a straight line to the east as far as the rapids of the Zambesi at Katima.

" This became important for the fixing of the course of the southern boundary line of the Caprivi Zipfel, inasmuch as the locality Andara was fixed on 18° 115' in accordance with the British and German surveys, *i.e.*, to the south of the 18th parallel of latitude. Hence the southern boundary of the Caprivi Zipfel could not run along the 18th parallel of latitude as was fixed in section 3, sub-section 2, paragraph 1, of the German-Anglo Agreement of 1st July, 1890, but had to be shifted to the south in terms of the provisions of section 3, sub-section 2, paragraph 2, of the Agreement so as to preclude the German Territory (which forms the way of access to the Zambesi) from being less than 20 English miles broad at any point.

" The British Government held the view that the first part of the southern boundary, starting from Andara, was not to follow a parallel of latitude, but was to be formed by a line which was to go not farther than the 18th parallel of latitude south at a distance of 20 English miles from the northern boundary line. Contrary to this the German Government held the following view :—

" Between the 21st parallel of longitude and the Chobe River that parallel of latitude had to form the boundary line which is situated 20 English miles to the south of the most southern point of the German Portuguese boundary at Andara.

" It came to this conclusion, because in section 3, sub-section 2, paragraph 1 of the Agreement it has specifically been laid down that a parallel of latitude should form the boundary line and that the following paragraph should only come into force in case an encroachment of the British Territory on the strip possessed by Germany should occur owing to the inaccuracy of the present map, inasmuch as the strip could thereby become narrower than 20 miles. According to the view of the German Government paragraph 2 was not to delete nor to modify paragraph 1 in any way, because it was taken for granted that a different wording would have been chosen for paragraph 2 of sub-section 2 if the intention had been to depart from the customary way of delimitation by means of parallels of latitude. If that had been the intention it would merely have been necessary to lay down that Germany had to receive a strip of land 20 miles wide running from Andara to Chobe seeing that the German-Portuguese boundary had already been fixed since 1886.

" The above information tallies with the information given me by the Foreign Office in this matter. I may add that the Foreign Office is prepared to continue to comply with any further requests of the Administration for the transmission of material having reference to this matter."

In 1886 the German Government concluded an agreement with the Portuguese Government in terms of which the northern boundary of the strip was defined as running in a straight line from Andara to Katima Molilo. In the agreement entered into with His Majesty's Government in the United Kingdom in regard to the southern boundary four years later, it was not suggested that the southern boundary should run parallel with the northern boundary (to the direction of which no reference was made) but that it should run along a parallel of latitude. Moreover, this section was only to run as far as the Chobe River and thence down the centre of that river to its junction with the Zambesi. Section 3 of the Agreement merely provided that the Strip should at no point be less than 20 English miles in width. There is, therefore, nothing whatever to indicate an intention that the line should run parallel with the northern boundary.

It now appears that Andara, the most southerly point of the northern boundary lies slightly below the 18° south latitude, but in terms of the provision above quoted,

the line must run 20 miles south of Andara. I attach hereto a blue print* illustrating how the line should run (*a*) from the German point of view; (*b*) according to a map framed by the Defence Department and (*c*) if Colonel Ellenberger's suggestion were accepted.

The following are translations of two letters (*a*) addressed on the 18th November, 1909, by Capt. Streitwolf, Imperial Resident in the Caprivi Zipfel to the Governor at Windhoek, and (*b*) addressed by the Governor, Windhoek, on the 22nd December, 1909, to the Colonial Office, Berlin, which indicate the importance of the German point of view to South West Africa :—

(*a*) " According to the Agreement between Germany and England of the 1st July, 1890, the southern boundary is to run from the point of intersection of the 21st degree of eastern longitude with the 18th parallel of south latitude, in an eastern direction along this line of latitude, until it reaches the Chobe (Linyanti) River. As the northern boundary at Andara lies under 18° 1' 26" according to my calculations, the passage according to which we have free access to the Zambesi by means of a strip of land which is nowhere less than 20 English miles broad, becomes questionable.

" Now we hold that the southern boundary of this strip is formed by a parallel of latitude, while the English are of opinion that the southern boundary is to run parallel to the line Katima-Molilo-Andara. This question must be cleared by negotiations between the German and English Foreign Offices before the Commission meets.

" We must at all events insist on the southern boundary being a parallel of latitude, as has been originally provided, otherwise we would lose a great deal of territory especially about 48 km. of important Linyanti bank and the Munembuana drift. The communication between this station and the Colony would become even more difficult then."

[Sketch which accompanied Streitwolf's report *]

(*b*) " I beg to submit a report of the Resident Commissioner of the Caprivi Zipfel on the determination of the frontier of the Caprivi Zipfel :—

" According to section 3 of the Boundary Agreement between Germany and England dated 1st July, 1890, the southern boundary of the Caprivi Zipfel runs along the 18th degree of south latitude, *i.e.*, from the point of intersection of this degree of latitude with the 21st degree of east longitude, as far as the Chobe river.

" According to section 1 of the Agreement with Portugal of the 30th December, 1886, the northern boundary of the Caprivi Zipfel runs from Andara, the place in the German sphere of interests, in a straight line towards the east as far as the Katima rapids of the Zambesi. Now, according to most maps at our disposal here, the 18th parallel of south latitude cuts the Okavango in the neighbourhood of or a little above Andara. If this is correct, the consequence would be that the southern boundary of the Caprivi Zipfel, defined by section 3, sub-section 2, paragraph 1 of the Boundary Agreement with England, would be shifted so far to the north that there would not remain sufficient room for the strip of 20 miles (granted only by England in the aforesaid section 3) between it and the northern frontier agreed upon with Portugal.

" It is not known to me what attitude the British Government takes up in this matter.

" According to the attached report of Captain Streitwolf, it seems that the British Government is inclined to hold the view that the southern boundary of the portion situate between the Okavango and the Linyanti runs parallel with the northern boundary at a distance of 20 miles from it. This would be diametrically opposed to our interests, as we would in that case lose a large portion of the valuable Linyanti bank with a drift and the communication with the eastern portion of the Caprivi Zipfel would thereby become still more difficult. We should insist on the original intention of the Boundary Agreement being carried out, according to which the southern boundary of the Caprivi Zipfel, to the west of the Linyanti, is to be a parallel of latitude.

" Captain Streitwolf has stated in another report that he had spoken to Captain Eason, member of the police force of the Bechuanaland Protectorate, about the state of affairs at Andara and about the encroachments of the Ngami Bechuanas. Eason replied that he knew Streitwolf would meet with

* Not reproduced.

difficulties there. It was a mistake of his Government that it had fixed the 18th parallel of south latitude as the northern boundary of the Reserve of the Ngami Bechuanas. It had, however, been impossible for the British Government to enlighten the Bechuanas on this point up to now, as an insurrection of the Bechuanas had been expected for some time back.

"The question of fixing the boundary of the Protectorate in that locality does not appear to me to be of such a pressing nature as to induce me to propose now that the British Government should be approached in regard to this matter. The object of this report is merely to draw the attention of the Foreign Office to this fact, and to inquire what view the Home Government takes on this matter."

It would be appreciated, therefore, if His Majesty's Government in the United Kingdom would indicate their views on the point now raised. If the German point of view is rejected by them, I should be glad to learn upon what grounds that view proves to be unacceptable.

As the Survey Commission will not be engaged on the northern boundary for more than about three months, I should be grateful if the matter could be regarded as one of urgency.

I have, &c.,
J. B. M. HERTZOG
(Minister of External Affairs).

10707/6.

No. 105.

DOMINIONS OFFICE to FOREIGN OFFICE.

[Answered by No. 106.]

SIR, Downing Street, 30th September, 1930.

WITH reference to the letter from this Department of the 30th of May* regarding the demarcation of the boundaries of the Caprivi Strip I am directed by Mr. Secretary Thomas to transmit to you, to be laid before Mr. Secretary Henderson, a copy of a despatch† from the Minister of External Affairs of the Union of South Africa in regard to the southern boundary of the Strip, *i.e.*, the boundary between the Strip and the Bechuanaland Protectorate.

2. The boundaries of the Caprivi Strip formed the subject of lengthy correspondence and negotiations between His Majesty's Government in the United Kingdom and the German Government before the war, and it may be of assistance to the Secretary of State for Foreign Affairs if reference is made to a memorandum‡ summarizing this correspondence which was drawn up in the Dominions Office in 1927 in case questions as to the boundaries should be raised. This memorandum is enclosed in original for return.

3. Subject to the concurrence of Mr. Henderson, Mr. Thomas proposes to reply to General Hertzog's despatch as in the draft of which a copy is enclosed herewith. It will be seen that this is confined to a statment of the discussions and negotiations which took place with the German Government between the years 1890 and 1914, in so far as they bear on the point at issue.

4. In case, however, the Union Government, on receipt of the proposed despatch, should pursue the question further, Mr. Thomas thinks that it might be worth while to consider, now that the whole question has again come under examination, whether it would be wise to press the view that the line of division between the territories in this region under the jurisdiction of His Majesty as Mandatory Power (*i.e.*, in South West Africa) and as Protecting Power (*i.e.*, in the Bechuanaland Protectorate) should be determined in accordance with the strict terms of the Agreement of 1890, whatever those may be. It appears to him that, if administrative needs should point to a modified line being preferable, there is no reason why such a line should not be discussed with His Majesty's Government in the Union.

5. Mr. Thomas would accordingly propose, if Mr. Henderson agrees, to communicate with the High Commissioner for South Africa in the above sense when sending him a copy of the present correspondence with the Union Government.

* 10707/5: not printed. † No. 104. ‡ No. 103.

6. A copy of this letter and enclosures (except the Dominions Office memorandum) is being sent to the Director of Military Operations and Intelligence at the War Office.

7. An early reply to this letter would be appreciated, since it will be seen that His Majesty's Government in the Union is anxious to receive a reply to General Hertzog's despatch of 23rd July at an early date.

I am, &c.,
E. G. MACHTIG.

10707/12.

No. 106.

FOREIGN OFFICE to DOMINIONS OFFICE.

SIR, Foreign Office, S.W.1, 22nd October, 1930.

I AM directed by Mr. Secretary Henderson to inform you that he has duly considered Dominions Office letter of 30th September* on the subject of the demarcation of the boundaries of the Caprivi Strip, and that he concurs in the draft reply to the Minister of External Affairs in the Union of South Africa attached thereto.

2. Mr. Henderson would, however, take this opportunity, with reference to paragraph 4 of the draft, of recording his view that it will probably be necessary, in view of the provision in the Mandate requiring the consent of the League of Nations for any modifications of the boundaries of the Mandated Territory, eventually to obtain a judicial interpretation of the Agreement of 1890. Those boundaries were defined by the Agreement of 1890; but what the Agreement means has been the subject of dispute. If His Majesty's Governments in the United Kingdom and the Union of South Africa respectively reached concurrence as to what boundaries were desirable from the administrative point of view, it would not be known whether such boundaries were a modification of the Agreement of 1890 or not unless and until the meaning of the Agreement had been settled; if it had not, the German member of the Permanent Mandates Commission could, and probably would say, if the boundaries proposed by the two Governments were nearer to those held before the War by His Majesty's Government than to those held by the German Government, that a modification had been effected.

I am, &c.,
C. HOWARD SMITH.

10707/12.

No. 107.

DESPATCH
to
UNION GOVERNMENT.

[Answered by No. 109.]

(No. 436.)

SIR, Downing Street, 3rd November, 1930.

I HAVE the honour to acknowledge the receipt of your despatch No. 190 of the 23rd of July† regarding the southern boundary of the Caprivi Strip, i.e., the boundary between the Strip and the Bechuanaland Protectorate.

2. You state in your despatch that examination of the German records of South West Africa shows that difference of opinion existed in the past between His Majesty's Government in the United Kingdom and the German Government in regard to the interpretation of Article 3 of the Agreement between Great Britain and Germany which was signed at Berlin on the 1st of July, 1890, and you ask for an indication of the views of His Majesty's Government in the United Kingdom on the point in question. The question has accordingly been carefully examined in the light of the records of the years 1890 to 1914 which bear on the matter, and it will, I think, prove the most convenient course if I briefly summarize the history of the question and the negotiations which took place during this period.

3. The Agreement was, as indicated above, signed on 18th July, 1890, and it is of interest to note that in forwarding the draft agreement to His Majesty's Ambas-

* No. 105. † No. 104.

sador in Berlin at the time, the Under-Secretary of State for Foreign Affairs wrote as follows as regards Article 3 :—

> "The territory hitherto assigned to neither Power extended from the 20th to the 24th degrees of east longitude; in the present partition of interests a portion covering three degrees will be under British, the remainder covering one degree under German influence. The provision, inserted in the 3rd Article, for a contingent rectification in order to give Germany access to the Zambesi, is inserted because in certain maps, Andara, which is the southern limit of the Portuguese sphere under the arrangement with Germany, is placed south of the 18th parallel; in all the best maps, however, including one excellent chart prepared by the Intelligence Department of the War Office, which has been our principal authority, it is placed well to the north of that parallel, and it is, consequently, not probable that any rectification will be required."

4. It will be seen from this that, at the time when the 1890 Agreement was signed, it was thought that Andara lay north of the 18th parallel and that, in these circumstances, it was not anticipated that the contingent rectification contemplated in Article 6 of the Agreement would be necessary. When, however, in 1905, the Andara-Katima line was fixed by arbitral decision, Andara was, in fact, found to lie slightly south of the 18th parallel.

5. Neither before 1905, the date of the arbitral decision, nor subsequently, does the German Government appear to have taken the initiative in raising with His Majesty's Government in the United Kingdom the advisibility of demarcating the southern boundary of the Strip, *i.e.*, its boundary with the Bechuanaland Protectorate, but, towards the end of 1906, the High Commissioner for South Africa proposed to the Secretary of State for the Colonies that steps should be taken to this end, as the Strip constituted a kind of "no-man's land" which afforded a refuge for poachers and other undesirables. As an alternative to demarcation, the High Commissioner suggested that, with a view to facilitating the administration of the area and of rectifying the apparent anomaly of a wedge of German territory between the Bechuanaland Protectorate and Rhodesia, the German Government might be invited to exchange the Strip for corresponding compensation in the South of the Bechuanaland Protectorate. His Majesty's Government in the United Kingdom agreed with the High Commissioner's views, and on the 22nd July, 1908, His Majesty's Ambassador in Berlin addressed a note to the German Government* proposing that, as delimitation would present considerable difficulties, the Caprivi Strip might be ceded to Great Britain in exchange for a strip of the Bechuanaland Protectorate to the west of the South West Africa boundary. A copy of this note is enclosed.

6. The reply of the German Government to this note was as follows :—

> "With reference to your note of the 22nd ultimo, I have the honour to inform you that it is impossible for the Imperial Government to agree to the proposal made by His Britannic Majesty's Government, as the value of the tract of the Bechuanaland Protectorate which the British Government offer in exchange corresponds in no respect to that of the district which Germany is entitled to claim under the agreement of 1st July, 1890."

7. In view of the very definite terms of the German refusal, and of the fact that there was no other territory which could suitably be offered to Germany as an exchange, the proposal for the cession of the Strip to Great Britain by way of an exchange was not thereafter pursued with the German Government.

8. In 1909, the German Government made certain arrangements for policing the Caprivi Strip and, following upon this, the High Commissioner for South Africa, at the instance of the Resident Commissioner of the Bechuanaland Protectorate, represented to the Secretary of State for the Colonies that the advent of a German officer and his detachment in the Strip had caused some concern to the Batawana and rendered it desirable, in native interests, that the southern boundary should no longer remain indeterminate.

9. Upon consideration of these representations, His Majesty's Government in the United Kingdom decided to approach the German and Portuguese Governments with a view to steps being taken jointly by the three Governments for the delimitation of the Andara-Katima line as a preliminary to the settlement of the southern boundary of the Strip. Notes were addressed accordingly to the German and Portuguese Governments respectively in March, 1910.

* Enclosure in No. 113 in African (South) No. 869.

10. The German Government replied that, before steps were taken to give effect to the proposal of His Majesty's Government in the United Kingdom, they wished to be informed of the interpretation placed by the latter on the Conventional course of the southern boundary of the Strip, as determined by the provisions of Article 3, paragraph 2, sections 1 and 2 of the Agreement of 1890, since they must distinctly contest the demarcation of the boundary as shown on British maps, viz., along an oblique line parallel to, and at a distance of twenty miles from, the Andara-Katima line. They stated that a parallel had been expressly mentioned in Article 3 of the Agreement of 1890 as the boundary line between the 16th meridian and the Chobe River, and their contention was that, if that parallel proved, from geographical considerations, unsuited for demarcation and did not give Germany a strip twenty miles broad, then another parallel of latitude would have to be substituted for it. A copy of the German Note dated the 30th of April, 1910, conveying these observations is enclosed.*

11. His Majesty's Government in the United Kingdom felt that they were unable to accept the view put forward in this note, as they were of the opinion that, although Article 3, paragraph 2, of the Agreement of 1st July, 1890, contemplated that Germany should have access to the Zambesi by a strip which should be nowhere less than 20 miles wide, section 2 of that paragraph specified not "a parallel" but "that parallel," *i.e.*, the 18th parallel, as the boundary from the 21st meridian to the Chobe River; and that, as the definition of the boundary in paragraph 2 of Article 3 of the Agreement could not, in fact, be strictly adhered to, recourse must be had to the provisions of Article 6 of the Agreement. They felt, therefore, that the proper course was to adopt the 18th parallel as the boundary only to the extent of complying with the obligation to assign to Germany a strip at no point less than 20 miles wide between the southern boundary and the Andara-Katima line.

12. As a next step, a note was sent to the German Government asking them to explain in greater detail the construction placed by them in their note of the 30th April, 1910, upon the provisions of the Agreement of 1890. The German Government replied to this request at some length in a memorandum of which a copy is enclosed.† In forwarding this, His Majesty's Ambassador at Berlin stated that, in transmitting it, the German Government had informed him that if His Majesty's Government could not concur in the view expressed in the memorandum, or regard the reasons brought forward as conclusive, they would propose that the matter should go to arbitration for a decision as soon as possible. The German Government's memorandum received full consideration by His Majesty's Government in the United Kingdom on its receipt, but they felt unable to understand the German contention that Article 3 of the Agreement of 1890 required that the Southern boundary between the 21st meridian and the Chobe River should be formed by a parallel of latitude even if the 18th parallel were not the line to be followed; and they adhered to their previous view that all that was necessary was that the strip of territory giving access to the Zambesi should not be less than 20 miles in width. They could find no words in the Agreement to support any other view, and they were therefore willing to accept the proposal of the German Government that the matter should be submitted to arbitration. His Majesty's Ambassador in Berlin was therefore instructed to inform the German Government that His Majesty's Government were unable to accept the German view, and that, as the question at issue was the interpretation of a phrase in a Treaty, they considered that the matter should be submitted to a purely judicial tribunal such as The Hague Tribunal or to three arbitrators to be agreed jointly by the two Governments.

13. To this proposal no specific reply from the German Government appears to have been received. In 1911, however, the German Government inquired when His Majesty's Government would be in a position to furnish their views on the Orange River boundary, a matter which was also in dispute between the two Governments. This question was entirely different in character and distinct from the boundary of the Caprivi Strip, and need not here be described in detail. The German inquiry, taken in conjunction with the failure of the German Government to send a definite reply as to the proposed Caprivi Strip arbitration, seemed to His Majesty's Government in the United Kingdom to indicate that the German Government wished to delay their answer on the Caprivi Strip until the attitude of His Majesty's Government on the Orange River question was made clear, so that, in the event of its being proposed that the Orange River boundary should go to arbitration, the German Government would be in a position to suggest that the same tribunal should deal with both questions. His Majesty's Government in the United Kingdom referred the German Government's inquiry to His

* Sub-enclosure in No. 78 in African (South) No. 948.
† Sub-enclosure in No. 139 in African (South) No. 948.

Majesty's Government in the Union of South Africa, who stated that they preferred to leave the Orange River boundary *in status quo*. (Governor-General's telegram of 27th March, 1912.*) Since it was felt by His Majesty's Government in the United Kingdom that, while their position as regards the Caprivi Strip was a strong one, the issue in the case of the Orange River boundary was doubtful, they decided, having regard to the wishes of the Union Government and in order to avoid giving the German Government an opening for proposing that both disputes should be referred to one tribunal for arbitration, to send no reply to the German Government as to the Orange River question and to refrain from pursuing with the German Government the question of the Caprivi Strip. Accordingly, the latter question lapsed so far as His Majesty's Government in the United Kingdom and the German Government were concerned until the outbreak of war in 1914.

14. It is impossible, of course, to forsee what judgment would have been passed by a judicial tribunal upon the Anglo-German dispute as to the Southern boundary of the Caprivi Strip; but the correspondence makes it clear that His Majesty's Government in the United Kingdom were confident that, so long as the facts were not clouded by other issues, the case which they would present in the event of arbitration was a strong one. That the German Government, on reconsideration of all the circumstances, felt some doubt as to the strength of their argument seems to be borne out by their attempt to associate the question of the Caprivi Strip boundary with that of the Orange River boundary and by their failure to pursue the proposal, which they themselves had originated, to submit the matter to arbitration.

I have, &c.,
J. H. THOMAS.

10707/12.

No. 108.

DESPATCH

to

HIGH COMMISSIONER, SOUTH AFRICA.

(Bechuanaland Protectorate.)
(No. 491.)
(Confidential.)

Downing Street, 18th November, 1930.

My Lord,

I have the honour to transmit to you the accompanying copy of a despatch, dated 23rd July,† from the Minister of External Affairs of the Union of South Africa, in which he states that Colonel Ellenberger, the Bechuanaland Protectorate Representative on the Boundary Commission now at work on the delimitation of the northern boundary of the Caprivi Strip, has suggested that opportunity might be taken of the Commission's presence in this area to arrange for it to demarcate the southern boundary of the Strip also. The despatch goes on to refer to the difference of opinion which existed before the war between His Majesty's Government in the United Kingdom and the German Government as to the line of the southern boundary of the Strip, and, after calling attention to the contention of the German Government in regard to the interpretation of Article 3 of the Anglo-German agreement of 1st July, 1890, which relates to the matter, asks for an expression of the views of His Majesty's Government in the United Kingdom on the point at issue.

2. I enclose also a copy of the reply‡ which I have returned to this despatch. You will see that this consists of a statement of the history of the negotiations which took place on this matter between His Majesty's Government in the United Kingdom and the German Government before the war, and that it explains the position which His Majesty's Government in the United Kingdom then took up and their reasons for adopting that position.

3. It is possible, of course, that the Union Government will pursue the matter further, and, in view of this, it seems desirable, now that the question has again come under examination, to consider it more fully in the light of existing circumstances.

4. It is clear that the practical issue has changed since the war; and it is a question for consideration whether it would be desirable for His Majesty's Government in the United Kingdom any longer to press the view that the line of division between

* No. 9 in African (South) 989. † No. 104. ‡ No. 107.

86

the territories in this region under the jurisdiction of His Majesty as Mandatory Power (*i.e.*, in South West Africa) and as Protecting Power (*i.e.*, in the Bechuanaland Protectorate) should be determined in accordance with the view which His Majesty's Government in the United Kingdom took before the war as to the interpretation of the terms of the Agreement of 1890. There seems much to be said for the view that, if administrative needs should point to a modified line being preferable, such a line might well be discussed, and, if possible, agreed upon, with the Union Government.

5. At the same time it is necessary to keep in mind in this connection the bearing on the matter of the terms of Articles 1 and 7 of the Mandate for South West Africa. The boundaries were defined by the Agreement of 1890, but the meaning of the Agreement has been in dispute so far as the boundary of the Caprivi Strip is concerned. Consequently, so long as no authoritative interpretation of the Agreement has been given, it would be open to a member of the Permanent Mandates Commission to maintain that a boundary which His Majesty's Governments in the United Kingdom and in the Union of South Africa might agree upon as desirable from the administrative point of view constituted a modification of the Agreement of 1890. It is possible, therefore, that it may prove necessary to obtain a judicial interpretation of the Agreement of 1890 before the actual boundary to be adopted can be finally settled.

6. This aspect of the matter will require further consideration later, but, in the meantime, I should be much obliged if you will let me have your considered opinion on the question, especially from the point of view of the interests of the Bechuanaland Protectorate. I should be glad to be advised in particular to what extent the disputed triangle of territory contains any native population whose interests would be affected by the attribution of the triangle to South West Africa instead of to the Bechuanaland Protectorate.

I have, &c.,
J. H. THOMAS.

10707/14.

No. 109.

DESPATCH

from

UNION GOVERNMENT.

(Received 24th March, 1931.)

[*Answered by No.* 10707/20.]

(No. 58.)

Department of External Affairs,
Capetown, 6th March, 1931.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 436 of the 3rd November, 1930,* and to state that His Majesty's Government in the Union of South Africa accept the views of His Majesty's Government in the United Kingdom contained therein as to the interpretation to be placed on Article 3 of the Agreement between Great Britain and Germany signed at Berlin on the 1st July, 1890, defining the respective spheres of influence of the two countries in South Africa.

The decision, however, raises a question in regard to that portion of the boundary west of the twenty-mile point to the south of Andara. If the principle which it is proposed to apply to the eastern section is to be applied strictly to the western section a very awkward boundary will be created, as it will have to run parallel to the Okawango river. The attached sketch† indicates the position.

In order to obviate the difficulties of such a boundary, His Majesty's Government in the Union desire to suggest that the oblique line should be continued to the western border of the Bechuanaland Territory (*i.e.*, the twenty-first degree of East Longitude or, alternatively, that the boundary should follow a parallel of latitude from the twenty-mile point below Andara to the western boundary. This would involve very little difference in territory, which is in any case of little value, and would at the same time make for a convenient and well-defined boundary.

It would be appreciated if His Majesty's Government in the United Kingdom could see their way to accepting one of the proposed alternatives.

I have, &c.,
J. B. M. HERTZOG,
Minister of External Affairs.

---

* No. 107. † Not reproduced.

III.—REPORTS.

(a) High Commissioner's Visits to Bechuanaland Protectorate and Basutoland.

10503/57.

No. 110.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 10th November, 1931.)

(Bechuanaland Protectorate.)
(No. 538.)

SIR, High Commissioner's Office, Pretoria, 16th October, 1931.

AT the conclusion of the tour which I made in August through the Bechuanaland Protectorate, the Resident Commissioner was good enough to offer to furnish me with a report describing my movements and the meetings and visits which formed part of the programme. I have the honour to enclose a copy of that document.* Its transmission has been delayed pending the receipt of the printed record of the Addresses presented to me and of my replies. That print, of which a copy is attached,* has only now reached me. It reproduces the notes taken by the shorthand writer whom the Resident Commissioner had been good enough to provide from the headquarters establishment at Mafeking. I was afforded an opportunity of revising his transcript, but I confined myself to correcting obvious mistakes, and I did not attempt to fill in the lacunæ—sometimes of whole passages—which had occurred, particularly in the reports of my speeches to European audiences. I spoke on all occasions without notes, and did not think it desirable to rely merely on my memory in respect of passages which had been omitted from the report. The speeches delivered to natives are reproduced less incompletely, as the delay caused by their interpretation, sentence by sentence, into the appropriate native language or languages gave the stenographer a better chance of keeping pace with my utterance. My numerous speeches to school children, European and native, and a few other speeches were not reported at all. The resultant loss to posterity is not of serious moment.

2. I shall be grateful if the expressions of loyalty contained in the Addresses of Chief Kgari of the Bakwena (page 7 of the print), Chief Seboko of the Bamalete (page 9), Chief Molefi of the Bakgatla (page 21) and the European residents of the Tati District (page 39) may duly be submitted to His Majesty the King.

3. The cordiality with which Lady Stanley and I were received by all whom we met wherever we went was gratifying and encouraging. I had the advantage, of course, of not coming to the Territory as a stranger. I had visited in former years several of the places at which we broke our journey, and I was personally known to most of the Officers of the Administration, many of the settlers and some of the native Chiefs whom we met.

4. I observed with great satisfaction the indications of the confidence and esteem which the Resident Commissioner enjoys among Europeans and natives alike. Colonel Rey has made for himself a position which is of excellent augury for the future, and if only economic conditions improve sufficiently to give him a fair chance of bringing to fruition some of his aspirations and schemes for the development of the resources of the Territory and the advancement of the welfare of its inhabitants, his term of office may well become memorable. Meanwhile he is infusing some of his enthusiasm and keenness into the Staff of the Administration, and it would not be, I think, an exaggeration to say that a new spirit is abroad. Mrs. Rey is a valuable helper to him in the spheres of social relations and good works.

5. On the whole, I was favourably impressed with the outward and visible signs of progress. The natives appeared to be less lethargic than of old, more interested in education and less indisposed to make some effort and perhaps even some sacrifice in its cause, less apathetic towards the improvement of their water-supplies and the quality of their cattle, and not entirely unconscious of the need for hygiene and its benefits. There remains, no doubt, very much leeway to be made up, but the human material seemed to me to have become more plastic and less disheartening. With a return of reasonably prosperous conditions, I believe that we should now have in the Protectorate an opportunity of testing and vindicating the potentialities of enlightened Imperial principles of native administration. The success which has actually been

* Not printed here.

achieved in the development of native dairying is of good hope and highly creditable to the labours of Mr. England. The loyalty of the natives to the Crown and their desire to avoid transfer from the direct control of His Majesty's Government in the United Kingdom to incorporation in the Union of South Africa are, at the least, as strong as ever.

6. The European residents seemed to have great faith in Colonel Rey, and to have become proportionately less despondent and discontented. I ought, perhaps, to except from this generalization the settlers and traders in the Tati District, whose present misfortunes, in consequence of the Union embargo on the local cattle, weigh heavily upon them. This is very intelligible, and indeed I should not have been surprised if I had found them even more unhappy and discouraged than they actually showed themselves to me. Their present position and prospects may be fairly described as desperate, unless some means of affording early relief can be carried into effect. At Lobatsi most of the farmers are South African Dutch of humble antecedents. Many of them cannot speak English, and in conversing with them I found it necessary to draw upon my slender attainments in Afrikaans. They appeared in the main to be of a better class than the Dutch of Lusaka in Northern Rhodesia.

7. If financial circumstances permitted, I should like to move the administrative headquarters from Mafeking into the Protectorate, but that, I fear, must await the coming of better days. The establishment of a prosperous mining industry would, I need hardly say, change the whole financial outlook immeasurably for the better.

8. Tshekedi and his people gave me the friendliest possible welcome at Serowe. In my speech there I said as much as I could to encourage him in well-doing and to discourage cabals and intrigues against him. My private conversations with him regarding the contemplated gift of Crown land in the event of his composing his differences with the British South Africa Company, were less satisfactory than I had hoped. I have reported to you on this matter in separate correspondence. He has a tendency to respond to conciliation with ever-increasing demands, and I found it advisable to take a firm stand. I do not, however, regard the negotiations as finally broken off. Towards the end of our conversation at Palapye Road, he handed to me two documents on other subjects, as mentioned on page 10 of the Resident Commissioner's Report on my tour. On one of them, dealing with the suspension and removal of Chief Sebele of the Bakwena, I am awaiting Colonel Rey's observations. The other was disposed of promptly and unequivocally. I append for your information a copy of a despatch* from the Resident Commissioner, giving full particulars.

9. From Francistown I went on to Bulawayo, to attend the Railway Conference. Lady Stanley and I were received there as old friends and were made to feel very welcome. I undertook several functions (including the opening of the Agricultural Show) which were to have been performed by Sir James Maxwell, had he not been prevented by indisposition, and I made a number of speeches, but refrained very carefully from saying in them anything of a political nature.

I have, &c.,
H. J. STANLEY,
High Commissioner.

Enclosure 1 in No. 110.

Report on a visit to the Bechuanaland Protectorate paid by His Excellency the High Commissioner for South Africa and Lady Stanley.

17th to 31st August, 1931.

His Excellency and Lady Stanley, attended by Captain Clifford and Captain Holbech, arrived in Mafeking on Monday morning the 17th August and, after spending two days at Protectorate Government House in Mafeking, made a tour of the Protectorate lasting from the 19th to the 31st August, accompanied by the Resident Commissioner, Colonel C. F. Rey and Mrs. Rey.

Scope of Visit and Itinerary.

The places visited in the course of His Excellency's tour included Lobatsi, Gaberones, Khale, Mochudi, the Tuli Block, Mahalapye, Serowe, Palapye Road, Francistown, Tsessebe and Ramaquabane. At these places the arrangements were planned with the object of giving His Excellency as wide and varied a view as possible of the different phases of life and activities in the Protectorate—European, native and administrative—and provided for visits to cattle ranches, dairy farms, cheese and butter factories and other European homesteads; visits to native villages, native creameries,

* Not printed.

and a native agricultural show; meetings with the principal European bodies of settlers and farmers, with the principal Chiefs and their followers, and with many individuals both European and native, the former including six out of the seven members of the European Advisory Council; visits to European and native schools, mission stations of various denominations; inspection of the two hospitals recently opened at Lobatsi and Serowe, and of administrative posts and of public works completed or in course of completion.

Effects of Visit.

This was the first occasion, at all events within recent times, on which a High Commissioner has paid so extensive and comprehensive a visit of this nature to the Territory, and from reports, letters and other information received, there can be no doubt but that the results were remarkable and are likely to have very beneficial effects.

The visit has done a great deal to stimulate the spirits of the people of the Territory, both European and native, at a moment of great and exceptional difficulty and depression; it has brought home to them the reality of the interest taken in their work and welfare by His Majesty's Representative in South Africa; and as a result of the support publicly given to the local Administration by His Excellency during the tour it has put new heart into the officers who have been endeavouring, amid discouraging difficulties, to advance the interests of this backward and seemingly neglected portion of His Majesty's dominions.

Mafeking.—At Mafeking His Excellency was enabled to make a thorough inspection of the offices of the Administrative Headquarters at the Camp on the Imperial Reserve, and to meet in person all the members of the Headquarters' staff and their families; the Mayor of Mafeking, with whom, as well as with the local Union Magistrate and other officials, the relations of the Protectorate Administration are of the most cordial, gave a Ball in honour of His Excellency and Lady Stanley.

Lobatsi.—At Lobatsi the two principal events were meetings with the European inhabitants in the morning and with the native Chiefs and their followers from the Southern Protectorate in the afternoon of the 19th August.

The gathering of Europeans was fully representative of the southern districts, including Mr. van Rensburg, the member of the European Advisory Council for Lobatsi, and the address of welcome they presented was couched in very cordial terms. It is perhaps hardly necessary to say that a point particularly stressed by them was the removal of the seat of Administration from Mafeking to Lobatsi.

The Resident Magistrate, Captain Reilly, and Mrs. Reilly, entertained His Excellency and party to luncheon, after which was held the meeting with the natives; the Chiefs present were Kgari Sechele, Letlamoreng, Bathoen, Seboko, and Matlala of the Bakwena, Baralong, Bangwaketsi, Bamalete and Batlokwa Tribes, each of whom presented a separate address of welcome, the most notable of which was perhaps that delivered by Chief Letlamoreng of the Baralong.

Chief Tshekedi of the Bamangwato also attended the meeting, though he took no part in the proceedings. The Bakgatla were not represented, as they were engaged in making all necessary arrangements for welcoming His Excellency at Mochudi later in the week.

His Excellency's replies to these addresses were very much appreciated by the people, and undoubtedly produced a deep and favourable impression on them.

Copies of the addresses presented to and of the replies delivered by His Excellency on these and on other occasions during the tour have been printed and are enclosed as a separate document.*

His Excellency and Lady Stanley visited the Athlone Hospital, of which the native wards were quite full, and which is ably and efficiently directed by the Medical Officer in charge, Dr. Henderson, and the Matron, Miss Verney, under the general supervision of the Principal Medical Officer of the Protectorate, Dr. Hamilton Dyke. Certain improvements and alterations which are urgently needed were discussed with His Excellency.

Visits were paid to the small European School, to the Roman Catholic Mission, to the farm of the British South Africa Company, to a Dutch homestead, and to the works of the Bechuanaland Cold Storage Company, where the up-to-date plant is turning out a large quantity of butter for export, made from European and native cream supplies drawn from the Protectorate. The great value to the Protectorate of these works was demonstrated recently when an embargo was placed on the export of cream from the Protectorate owing to the outbreak of foot-and-mouth disease in

* Not reprinted.

90

Southern Rhodesia. Had it not been for these works there would have been no outlet whatever for Protectorate produce during the period of the embargo.

A Ball in honour of His Excellency's visit concluded the strenuous two days spent at Lobatsi.

Gaberones and Khale.—On arrival at Gaberones on the morning of the 21st August, His Excellency and party were met by the Resident Magistrate, Captain Neale, and Mrs. Neale; and visited the old Chief of the Batlokwa, Gaberone, whose age is reported to be between 105 and 110 years, and were very cordially received by the tribe; a visit was then paid to the Roman Catholic Mission at Khale, where good work is being done amongst the natives by way of agricultural and general instruction, and in medical work.

The Europeans of the Gaberones Block entertained His Excellency and party, and presented a cordial and appreciative address of welcome at the ranch of Mr. Glover, the member of the European Advisory Council for that District. Mr. Linton, the member of Council for the Bamalete, Bakgatla, Bakwena and Bangwaketsi Reserves and the Baralong Farms, was also present.

Mochudi.—In the afternoon His Excellency's party reached Mochudi, the chief village of the Bakgatla Tribe, and were met at Pilane Station by Chief Molefi, ex-Chief Isang, and the Reverend J. Reyneke, the local representative of the Dutch Reformed Church Mission; after which Mr. and Mrs. Reyneke entertained His Excellency's party at their home, where they had invited all the local Europeans to meet them.

The Chief had provided a mounted guard of honour of his own people, who escorted His Excellency's car to and from the station; the Tribe turned out in great numbers and offered a warm and cordial welcome; they had, as a matter of fact, been engaged for weeks in preparation for the visit.

The Bakgatla are perhaps the most advanced and progressive tribe in the Territory. This is due in part to the enlightened and energetic (if forceful) leadership of Isang, who has done much to advance their interests both as regards education and general development.

In part also the satisfactory position of the tribe is due to the broadminded, sympathetic and devoted work of Mr. Reyneke, who, ably assisted by Mrs. Reyneke, has laboured to develop the people in a practical and progressive manner, in cordial co-operation with the Chief and with the Administration to whom he has rendered and is rendering valuable assistance.

On the next morning (the 22nd August, the exhibits for the Agricultural show were examined. These included not only an excellent display of cattle and small stock, grain and other agricultural produce, but admirable craft work, pottery, woodwork, basket work, leather work, &c.

Visits were also paid to the native school, undoubtedly the best school in the Territory, which was built by the Tribe under Isang's inspiration; the school equipment, benches, forms, &c., being entirely made by the pupils.

In the afternoon His Excellency formally opened the Agricultural Show after receiving addresses of welcome from the Chief and Isang, after which there followed an excellent display of drill and dancing by native children, as well as native sports of various kinds.

Tuli Block.—His Excellency arrived at Debeeti on that evening, and on the following day (23rd August) motored through part of the Tuli Block, being entertained to luncheon by Mr. Weatherilt, the senior member of the European Advisory Council at his farm, Palla Ranch, where some very fine cattle bred by Mr. Weatherilt were inspected. Mr. Weatherilt has three other ranches and owns altogether nearly 100,000 acres in the Territory. The Honourable John Stuart's ranch was also visited; Mr. Stuart has built a new and very good house in a delightful situation on the banks of the Crocodile River on his farm of some 50,000 acres.

Mahalapye.—Mahalapye was reached during the night, and on the following day (24th August) His Excellency was met by Mr. Russell England, the Protectorate Dairy Expert and Inspector, and Mrs. England, and was entertained by the European inhabitants of Mahalapye District and of the Tuli Block, who presented addresses, Mr. Mason, the member of the European Advisory Council for the Block, being present. In the afternoon a visit was paid to a native creamery belonging to Mathiba, a wealthy headman of the Bamangwato, which is an outstanding example of what can be achieved by natives in the way of cream production under European advice and instruction. He has two large and good herds of cattle and derives a comparatively large income from them. It is satisfactory to observe the practical and successful manner in which natives are taking advantage of the Administration's policy of

encouraging native enterprise—a policy which it is highly desirable to extend in the native interest.

Later the camp was inspected and a visit paid to one of the model houses recently planned and erected for the staff by the Public Works Department. Planned in the light of experience of the practical requirements and necessities of the climate, and with strict regard to economy, these houses are giving much satisfaction, and should show a great saving in cost of upkeep, and make for the health and well-being of the staff.

Tuli Block.—On the following day (25th August) a visit was paid by car to several small native creameries, part of the general system of encouraging native development, to which reference has already been made. The party then proceeded to the ranch of Mr. Paul Jousse, an energetic, hardworking and progressive dairy farmer, owning some 2,000 head of grade Friesland cattle.

Aided by a loan from the Administration Mr. Jousse has erected a complete 8-unit electrically driven mechanical milking plant, separating and cooling part, and cold storage chamber. So successful is this proving that Mr. Jousse is doubling the plant. He is the largest cream producer in the Territory and one of the largest individual producers in South Africa, and has recently been induced to send the whole of his output to the Lobatsi Company.

Incidentally this is also an example of the value of the system of making loans to farmers.

Serowe.—On the 26th August His Excellency proceeded by car from Mahalapye to Serowe, a distance of some 66 miles; the road had been put in good repair by Acting Chief Tshekedi of the Bamangwato. A mounted guard of honour of Bamangwato escorted the cars to the Residency whence the whole party proceeded to meet Chief and people in the Kgotla.

An immense concourse of people had assembled, the number being estimated at from 8,000 to 10,000. Native songs were sung by the tribesmen and also by children, after which the Chief made a speech of welcome, to which His Excellency replied after a short introductory speech by the Resident Commissioner. His Excellency's speech, which was listened to with the closest attention by the great gathering, was exceedingly well received, and subsequent comments indicated that it had made a deep impression.

After lunch at the Residency, His Excellency and party visited the Sekgoma Memorial Hospital and were subsequently entertained by the Resident Magistrate, Captain Potts, and Mrs. Potts, at a garden party at the Residency, attended by all the European inhabitants of Serowe and district, who presented an address of welcome.

The hospital under the temporary direction of Dr. Gerber (the Medical Officer in charge, Dr. Morgan, being absent on leave) and the Matron (Sister Mitchell) is much appreciated, especially by the natives; certain arrangements for the improvement of the out-patients' department and the dispenser's quarters were approved by His Excellency.

The party proceeded to Palapye Road by car in the evening and returned on the following morning (27th August), when the programme included visits to the one small European and the two native schools (one of which was founded by the London Missionary Society and is now absorbed into the general school system of the Territory, and the other, the Khama Memorial School, is still run personally by the Chief); the Khama Memorial Church; the new water supply system inaugurated for the natives of Serowe, which allows women to fill their water pots at the rate of 500 an hour, the water being pumped from a borehole into a reservoir whence it gravitates to standpipes; and the large dam under construction which is expected to hold up from 12,000,000 to 15,000,000 gallons of water for watering stock.

His Excellency and party then attended a display of dancing by Bamangwato girls and by Masarwa girls, and afterwards a horse race—for all of which functions (which had been organized by Chief Tshekedi) Lady Stanley presented the prizes which the Chief had provided.

The afternoon was devoted entirely to a lengthy discussion with Acting Chief Tshekedi and several of his councillors on the subject of a grant of land in connexion with mining. As these discussions have formed the subject of separate communications they are not dealt with in the present report.

A large party of headmen had accompanied the Acting Chief to the Residency, and after the discussion, His Excellency addressed them at some length. After dark the party returned to Palapye Road once more.

Palapye Road.—On the following day (28th August) His Excellency attended a meeting of the Women's Temperance Union at Palapye Road, which is doing excellent

work amongst native women and children. An interesting display of singing and dancing was given by the natives, some of whom had walked in as much as 30 miles to meet His Excellency.

Subsequently His Excellency and party were entertained by Mr. Mangan, the Acting Assistant Resident Magistrate, and Mrs. Mangan, to meet the European inhabitants of the district.

The whole of the afternoon was again devoted to discussions with the Acting Chief; these were unfortunately inconclusive for the time being, and afterwards the Acting Chief unexpectedly presented two petitions, one in regard to a misunderstanding on the subject of the construction of the dam, and the other in regard to the deposition of ex-Chief Sebele of the Bakwena. The first was disposed of by His Excellency, the latter was left to be dealt with later.

Francistown.—His Excellency's coach arrived at Francistown on the following morning (29th August) and the party proceeded by car to Bosoli to visit the farm of Mr. Hertz, a progressive settler who, arriving in the country with practically no capital, has carried his farming operations to a successful issue by his own unaided efforts and established himself as one of the most wealthy and prosperous in this part of the Territory. *Inter alia*, he has recently constructed two large dams calculated to hold up a very considerable water supply for his cattle during the dry season.

Some of the other Bosoli settlers were also present and an address of welcome was presented.

A visit was paid to the Quarantine Camp for cattle, which has been erected by the Administration on land granted by the Tati Company as part of the arrangements for raising the embargo on export of cattle from the northern part of the Territory.

In the afternoon the Resident Magistrate, Captain Nettelton, and Mrs. Nettelton, gave a garden party at the Residency, attended by practically every European resident of the Tati district, to meet His Excellency and Lady Stanley, and an interesting address of welcome was presented, in which were set out clearly and temperately the really lamentable condition in which the northern part of the Protectorate finds itself, mainly owing to the embargo on the export of cattle from the district, and partly to the general South African depression.

After replying to the address His Excellency had an opportunity of full discussion of the position in all its aspects with a number of leading settlers, when various schemes for relieving the situation were discussed.

Tsesebe.—On the following morning (30th August) His Excellency's coach was taken on to Tsesebe, and from here the party proceeded by car to Mr. Hoare's cheese factory at Vukwe in the morning; to his farm and other factory at Park Royal and to the farm of Mr. MacFarlane, the member of the European Advisory Council for the district, in the afternoon.

Mr. Hoare is a large cheese manufacturer who produces his cheese from the milk of native-owned cattle, for which purpose he has established a chain of some 12 native dairies—all under his supervision.

This method of manufacture has been encouraged by the Administration as it is of marked and direct benefit to the native cattle owners; it is moreover proving very successful, as it permits of manufacture at an economical figure.

Mr. MacFarlane, in addition to being a valuable member of the European Advisory Council, represents the Territory on the Joint Board of the Union Dairy Control Act to regulate and administer the provisions of that Act; he has recently been honoured by His Majesty with the distinction of the O.B.E.

Ramaquabane.—On 31st August His Excellency and party travelled by car to Ramaquabane, where the five tribes domiciled in the Tati district had assembled to greet the High Commissioner.

These tribes and their headmen are as follows:—

Ramokati of the Bakhurutshe; Habangaan, Masunga, and Mosoyane of three different branches of the Makalaka; and Moroka of the Baralong.

They presented addresses, and a native dance was also arranged. They are all of course suffering from the effects of the embargo already referred to, and from other causes which have been the subject of previous reports by the Resident Commissioner; the conditions here will undoubtedly have to receive careful consideration in the near future.

En route His Excellency passed through part of the five-mile belt which has been closed of stock by the Administration for a distance of nearly 200 miles to safeguard the Territory against the invasion of foot-and-mouth disease from Southern Rhodesia.

Tsessebe.—On the return journey to Tsessebe, a visit was paid to the farm of Mr. Gibben, a settler who has shown initiative in constructing a large dam for the retention of water

In the afternoon a reception was given and an address presented by the European settlers of the Tsessebe district, which afforded further opportunities for useful discussions with individuals as to the needs and requirements of the very serious position existing in the north of the Territory.

General.—This was the last function of the tour, but though the tour itself then came to an end its effects will continue to be felt for a very long while. The bare recital of the main events cannot give a complete picture of the many matters discussed and dealt with at almost every stage of the journey, and of the general feeling of satisfaction expressed by all at the evidence thus given of interest in the Territory and the impetus to renewed hopes for its development.

C. F. Rey,
Resident Commissioner.

Mafeking,
21st September, 1931.

10503/72.

No. 111.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 22nd December, 1931.)

(Basutoland.)
(No. 628.)
(Confidential.)

High Commissioner's Office,
Cape Town, 4th December, 1931.

Sir,

I have the honour to submit the following report on my recent visit to Basutoland.

2. Accompanied by Lady Stanley and my Private Secretary, Captain L. Holbech, D.S.O., M.C., I arrived at Maseru by train at midday on Monday, the 9th November. I had proposed to travel from Pretoria by motor car, but there had been heavy rains in the Eastern Transvaal and Orange Free State on the preceding Friday, and I was advised that some sections of the road between Kroonstad and Bloemfontein would probably be impassable for several days.

3. On arrival at the railway station I was met by the Resident Commissioner and Mrs. Sturrock and other Headquarters officers and their wives, as well as by a number of native dignitaries, including the Paramount Chief and his two sons and Chief Motsoene Molapo, the nephew and successor of the late Chief Jonathan. On this, but not on subsequent occasions Motsoene wore a singularly gaudy, heavily embroidered scarlet uniform, which accentuated the unwieldy dimensions of his waistline. He certainly is the most corpulent Chief whom I have ever met, but I do not think that he is now quite as bulky as he was when I first saw him some twenty years ago. The Paramount Chief appears to have abandoned the practice of wearing uniform—probably because, like other Chiefs elsewhere, he has come to appreciate that there is some element of absurdity and childishness in masquerading in incongruous quasi-European trappings of his own invention. This, I think, is a sign of progress, though it is, perhaps, regrettable that there should be no distinctive garb or emblem as an outward and visible sign of the office and dignity of Chieftainship on ceremonial occasions. I doubt, however, whether, at the present stage of native evolution, it would be advisable for the Government to take any action in that behalf. I found the Paramount Chief aged very considerably in appearance since our last meeting eight or nine years ago, and it was obvious that his general state of health is far from good. I understand that for some years now his habits have been strictly temperate, and that he responds very readily to the moral influence of the Roman Catholic Missionary who looks after his spiritual welfare. He is not devoid of natural dignity, but he never has had, and never will have, the qualities of a great Chief of the old school. He gave me a very cordial welcome, as indeed did all the other Chiefs whom I met in the course of my visit.

4. Mr. and Mrs. Sturrock were very charming and thoughtful hosts. They had invited guests to almost every meal during our stay with them at Maseru, and we thus

enjoyed opportunities of renewing acquaintance with, or making the acquaintance of, the principal European residents, official and unofficial. They also gave an afternoon party on Tuesday, the 10th November, which was attended by practically the whole of the European community, including the local Scout Cubs and Brownies, and they had a tea party, on the following morning, in the Residency garden for the Chiefs (attended by their immediate followers), who I was thus enabled to engage in informal, friendly conversation.

5. Mr. Sturrock's personal relations with the Paramount Chief and the other Chiefs appeared to be quite unexceptionable. He is a man of kindly and conciliatory temperament, he has a sympathetic understanding of the native mind, good ability, and a very keen sense of duty. He seems to me essentially a "safe" Resident Commissioner, but he has the defect of that quality in lacking the forcefulness of personality which, even at some risk of disturbing the even tenor of life, would be useful for coping with the ultra-conservative habit of mind of a small self-contained Administration and of the Basuto Chiefs and people. The Public Service of the Territory is by no means inefficient, but, speaking generally, it is set in its ways and suspicious of change, and the natives, I need hardly say, show this mentality in an even more marked degree. Under such conditions the pace of development and progress is not likely to be rapid without the pressure of continuous impetus and stimulation from above.

6. On Tuesday morning, towards noon, there was a Pitso of the Basuto Nation. Natives from all parts of the Territory had assembled in thousands. It was estimated that at least 20,000 attended the Pitso, but I cannot vouch for the accuracy of the estimate. It was a day of heavy rainfall; so heavy that the question of postponing the Pitso had to be taken into serious consideration. I decided finally, however, not to make any change in the arrangements, partly because it seemed unreasonable to expect the thousands of natives who were encamped on the hill-side to remain without shelter in the wet any longer than was necessary, and partly because the natives would be anxious to start ploughing after the rain, and many of them would not be likely to remain even though I might expect it of them. Awnings were hastily erected over the portion of the stand occupied by me and those in my near vicinity, and over the smaller stand occupied by the Paramount Chief and the other Chiefs. After I had driven (in a closed car) round the large circle of natives, whose warmth of welcome was the more gratifying having regard to the depressing downpour, I took my place on the stand, the natives closed in (not on horseback—the state of the ground precluded any such possibility) and, after an introductory speech by the Resident Commissioner (of which a copy is attached*), the Paramount Chief presented his Address. I enclose a copy,* and a copy of my reply.* The latter was well received, and the cheering which followed was most enthusiastic. The Basuto have not the reputation of being a demonstrative people, but wherever I went, during the whole of my visit, I was greeted with what appeared to be genuine, and what I am told was exceptional enthusiasm by young and old, male and female. This manifestly was an expression of the great satisfaction which the separation of the post of High Commissioner from that of Governor-General has given the natives. They made it abundantly clear to me how delighted they were that the officer charged by His Majesty with authority over them was no longer in any way connected with, or dependent on, the Union Government. The Basuto yield to none in their loyal devotion to the King's Crown and person, but in that sentiment they do not include His Majesty's Government in the Union.

7. Although the spectacular effect of the Pitso was impaired by the weather, the rain was regarded as a blessing in itself, and as an auspicious concomitant of my visit. The sky cleared at night, and the natives feasted in the best of good spirits on the oxen which had been provided for them by the Administration. They dispersed on the following morning, and for days afterwards the roads leading out of Maseru were gay with the brightly-coloured blankets of mounted natives returning to their homes from the Pitso.

8. After luncheon on the 10th November I received a deputation from the Chamber of Commerce. They presented an Address, of which I enclose a copy.* They were followed by deputations from the Paris Evangelical Mission and the Roman Catholic Mission, who both presented Addresses. Copies are attached.* The Anglican Church, owing to the absence of the Bishop on a tour in the mountains, were unable to present an Address, but the priest in charge of the Maseru Church attended and expressed the welcome and good wishes of his Communion orally. My replies to these Addresses were not recorded. They contained nothing of political importance.

* Not printed.

Then came the Resident Commissioner's afternoon party, and subsequently I paid a visit to the Officers' Mess.

9. During the remainder of my stay in the Territory the weather was fine. The country was beautifully green after the rain, and there are prospects of reasonably good crops. The condition of cattle, sheep and ponies was lamentable, but this was an unavoidable consequence of the long drought, and in the neighbourhood of Mafeteng, and particularly of Mohales Hoek, the condition of the sheep (which recover more quickly than larger animals) was beginning to show signs of improvement. The state of the main roads was satisfactory. Great progress has been achieved in the making and upkeep of roads since my last visit to the Territory, and credit for this is due to the department and officers concerned.

10. On Wednesday, the 11th November, I visited and inspected the Lerotholi Technical School. Under the new management of Mr. Bull, this institution has improved almost beyond recognition. His work and his influence on the pupils are deserving of high praise. Any doubts which I may previously have felt whether the School was justifying the expenditure on it have been removed. I then attended (in uniform) the Armistice Day Service at the Maseru War Memorial. The Service was admirably organized and most impressive. In addition to the European Community large numbers of natives were present and conducted themselves with exemplary decorum. After the Service I met the Chiefs at Mr. Sturrock's tea party in the Residency garden. In the afternoon I drove by motor car to Morija, where I visited the Headquarters Station of the Paris Evangelical Mission. I was received by a large gathering of Mission-workers and natives. This is the oldest-established Mission in Basutoland. It does excellent educational as well as religious work.

11. On Thursday, the 12th November, I visited the Roman Catholic Mission Station at Roma, a very large and well-managed institution. Here again hundreds of natives had assembled. After inspecting the school buildings, the Church and the Seminary, I was entertained at luncheon by the Fathers, and I then attended a display of drill, singing, &c., by the school-children. On this, and on all similar occasions I had, of course, to make a speech, but these were extemporised deliverances, and they were not recorded. On my way back to Maseru I stopped at Botsabelo and paid a long visit to the Leper Settlement. A Pitso of the Lepers was held. Speeches were made, bidding me welcome and expressing satisfaction with the treatment which the inmates received. The buildings and the general conditions of life at this institution seemed to me to have been improved since my last previous visit, and I was very favourably impressed by what I could see of the activities of Dr. Strachan and Dr. Slack and their staff. I cannot praise too highly the work done at the Settlement by Father Bradbrook, an Anglican Missionary who devotes his life to the welfare of the Lepers. The Anglican Church at Botsabelo is a very attractive building. Provision is made also for the religious needs of Lepers of other Denominations. After dinner that evening I attended a public dance organised by the British Empire Service League in aid of a local Christmas Tree Fund.

12. On Friday, the 13th November, I visited St. Catherine's, a small, but efficient Anglican industrial boarding school for native girls, at Maseru. The atmosphere of this establishment impressed me as gracious and particularly wholesome. I then inspected the Government horse-breeding stud (which Mr. Verney conducts admirably in spite of largely reduced resources) and the well-managed Maseru Hospital, and subsequently the Gaol and the Police Camp. I found everything in good order, but I was surprised to discover, during my inspection of the Armoury at the Police Camp, that no training in the use of rifles was given to the Native Police. Nobody seemed to know what was the reason for this omission, though a theory was advanced that training in musketry had been stopped very many years ago in deference to the susceptibilities of the Europeans in the Orange Free State. Whether this was the cause, and whether representations were actually made by the neighbouring Government, I could not ascertain, but I asked the Resident Commissioner to look into the matter and furnish me with a report, so that I might be in a position to consider the expediency of making a change. On the face of it, and unless there is some adequate reason on political grounds, it would seem absurd to neglect to train the Native Police in the use of weapons, which, if issued to them in a time of emergency, might well, in the absence of such training, be a source of danger rather than protection to the users themselves and to the community at large. After luncheon I motored to Mafeteng, where I spent the night at the Residency as the guest of the Assistant Commissioner of the District, Mr. E. G. Dutton. He had invited the principal local officials and their wives to meet me at dinner.

73

13. On Saturday morning I attended a meeting of local natives at Mafeteng. The Headman, Koenane, presented an Address, of which I enclose a copy.* I then motored to Quthing via Mohales Hoek and the Seaka Drift, where I crossed the Orange River in the pont. There was just enough water in the river to enable the pont to function, but I gather that it is frequently out of action owing to a deficiency or (less commonly) an excess of water. A bridge at Seaka would, no doubt, be a great convenience, but I fear that, in the present financial circumstances of the Territory, the expense of building such a bridge could hardly be justified, even if the money could be found. Quthing is beautifully situated in mountainous country, and but for the frequent difficulty of communication with the rest of the Territory, would be a particularly desirable station. In the absence of the Assistant Commissioner of the District on leave, I was entertained very hospitably at luncheon by the Clerk-in-Charge, Mr. Russell, and his wife. The principal local residents were of the party. I was greeted on arrival by the school-children, European and native, and by a large gathering of adult natives. After luncheon I inspected the gaol and the hospital, a nice building, well-equipped but inadequate in size. I then returned to Mohales Hoek, where I spent the night at the Residency. The Assistant Commissioner of the District, Mr. Jenner, had broken a rib and was confined to his room, but his daughter, a girl of seventeen or eighteen, acted as a very efficient and charming hostess. A large number of local residents were invited to meet me at a garden party at the Residency in the late afternoon, and a few people were bidden to dinner in the evening.

14. On Sunday morning, the 15th November, after attending the early Service at the Anglican Church, I inspected the hospital and gaol at Mohales Hoek, and then returned to Mafeteng, visiting on the way the Government Arboretum near Mafeteng, a very creditable establishment. I was entertained at luncheon by the Bishop (the Assistant Bishop of Bloemfontein who is also Archdeacon of Basutoland) and Mrs. Haynes. After luncheon I inspected the Mafeteng hospital, gaol and native village. The latter contains some remarkably well-built, well-kept and commodious stone houses. There was next a large garden party at the Residency, and subsequently I attended Evensong at the Anglican Church and read the Lessons. The Bishop in his sermon emphasized the loyalty of the people to the Crown, and said some pleasant things about my visit. In the evening I met some of the unofficial residents at supper at the Residency, and I spent the night there

15. On Monday morning I motored from Mafeteng, via Wepener in the Orange Free State to Bloemfontein, whence I proceeded by train to Cape Town. Several hundreds of natives were assembled at the Basutoland border and gave me a very cordial "send-off."

16. I had intended to extend my visit to the northern districts of the Territory, but was obliged to curtail my programme in order that I might be in Cape Town in time for the Opening of the Union Parliament, of which only short notice had been given.

17. On all my expeditions during my visit I was accompanied by Mr. Sturrock. I am much indebted to him and other officers of the Administration for the excellence of all the arrangements which were made.

18. Wherever I went in the Territory, the children from adjacent schools were marshalled along the roadside. They were generally quite well dressed and scrupulously clean. They cheered vociferously and in most instances sang the National Anthem. I spoke a few words to them all.

19. I append copies of an Address from the Basutoland Indians,* of two letters* from Chief Motsoene, of an Address from the Basutoland Progressive Association* and of a letter from the Lekhotla la Bafo.* These documents were sent to me. The letter from the Lekhotla la Bafo arrived by post. In view of the record of that body, I have thought it sufficient to ask the Resident Commissioner to cause the senders to be informed that I have received their letter. The other letters and Addresses have been suitably acknowledged.

20. I have the honour to request that the expressions of loyalty contained in the Addresses from the Paramount Chief, the Paris Evangelical Mission, Headman Koenane of Mafeteng and the Basutoland Indians may be submitted to His Majesty.

I have, &c.,
H. J. STANLEY,
High Commissioner.

---

* Not printed.

(*b*) Resident Commissioner's Tours in the Bechuanaland Protectorate.

20261/1.

No. 112.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 22nd December, 1930.)

(Bechuanaland Protectorate.)
(*No* 594.)

High Commissioner's Office,
Pretoria, 29th November, 1930.

SIR,

I HAVE the honour to transmit herewith a copy of a despatch from the Resident Commissioner of the Bechuanaland Protectorate, reporting upon his recent tour through the Protectorate.

I also enclose a copy of my reply.

I have, &c.,
ATHLONE,
High Commissioner.

Enclosure 1 in No. 112.

Resident Commissioner's Office,
Mafeking, 8th November, 1930.

MY LORD,

I HAVE the honour to inform Your Excellency that I have been preparing reports on various aspects of the Protectorate Administration in the light of my recent tour of the Northern Protectorate, and of my other tours of and visits to the Southern Protectorate undertaken both before and afterwards.

2. I have now visited every District in the Territory, excepting Lehututu and Ghanzi which I have not yet been able to inspect. I hope to deal with these early in the coming year.

3. I was accompanied on my northern tour by Dr. Dyke, the Principal Medical Officer, and Mr. Chase, the Chief Veterinary Officer, whose assistance was of great value to me, not only in dealing with those branches of administration falling within their respective spheres, but also generally in regard to the whole work of the tour.

4. Whilst travelling through the Protectorate (in which I have covered some 6,000 miles) I have endeavoured to deal with as many aspects of the administration and to meet personally as many people as it was possible to do; and I think I can safely say that I have now met all the Chiefs and most of the important Sub-Chiefs; all the Associations of Farmers and Settlers, and most of the important settlers themselves; have inspected a number of schools, visited a number of the cheese and cream-producing farms, inspected a number of native dairies, and discussed at Tribal meetings in Kgotla, and with Chiefs personally, and at meetings with white settlers, individually and collectively, many of the questions and difficulties which they wished to bring before the Administration.

5. I have also inspected the buildings at every Station, except the two already referred to, have stayed at a good many of them, and have met personally practically every member of the Administration.

6. All this has necessitated a good deal of work and has taken up a good deal of time. And to this must be added the work in connexion with the Water Boring Scheme, administrative improvements, Police reorganization, framing of proposals for regulating powers of Chiefs and jurisdiction of Native Courts, the Witwatersrand Show Exhibit, the Walvis Bay Railway Survey, the Dairy Control Act, &c., and the ordinary day-to-day routine work of administration.

7. I merely mention this as a reason for the delay in submitting my Report, some of which is not yet complete.

8. I have divided it into various sections dealing respectively with:—

(1) Native Affairs,
(2) Bamangwato Tribe,
(3) White Settlers,
(4) Education,
(5) Transport and Communication,
(6) Housing and Buildings,
(7) Finance,
(8) Staff Questions,
(9) General and Miscellaneous.

No. (1) dealing with Native Affairs I have the honour to transmit under cover of the present despatch. No. (2) relating to Bamangwato Tribe is being forwarded under separate cover. No. (4) dealing with Education has already been forwarded to Your Excellency. No. (7), Finance, I propose to embody in my despatch dealing with the estimates for the forthcoming year. The other sections will be forwarded as soon as possible.

9. The general impression I have derived may be fairly summed up in the words of Dr. du Toit, who has recently been travelling to the Protectorate in connexion with the Water Boring Scheme. He says: "It is, however, necessary frankly to point out that the rather apathetic attitude of the Bechuanaland Protectorate Administration." With these words I desire to associate myself in regard to matters generally. Indeed I would go further and say that the general attitude was one almost of hopelessness.

10. For this I do not by any means wish to blame the District Administration; on the contrary, I think it is to their credit that hampered in many ways as they have been they have achieved as much as they have.

11. I trust that such administrative reforms and changes as I have so far been able to introduce, and the prospects of development which now seem in sight, will be successful in introducing a more enthusiastic spirit into the Administration.

12. I should like at this stage to bear testimony to the loyal and whole-hearted manner in which my efforts have been received and supported by all members of the Administration both at Headquarters and in the Districts, and to the sympathetic spirit of co-operation shown by the white settlers and by the bulk of the natives.

I have, &c.,
C. F. REY,
Resident Commissioner.

His Excellency
The High Commissioner,
Pretoria.

REPORT OF RESIDENT COMMISSIONER, BECHUANALAND, ON NATIVE AFFAIRS.

1.—GENERAL.

I HAVE found this most important branch of the Administration in a far from satisfactory position. This must in my view be attributed in a great measure to the fact that the powers of the Chiefs and the jurisdiction of their courts have never been defined under the Proclamation of 1891. There has, consequently, been no settled policy in the Administration's dealings with the Chiefs, which have varied in the different districts according to the capabilities of the Chief, and the capacity of the Resident Magistrate. Problems and difficulties have been dealt with as they arose in a sort of hand-to-mouth manner, and the only characteristic, which has almost uniformly marked the Administration's dealings with the tribes, has been an exaggerated deference to the views of the chief in regard to his personal rights and privileges, leading quite naturally to hardship on the mass of the people, maladministration of justice in native courts, and stifling of progress.

In other words, the natives, apart from their Chiefs, hardly benefited from our protection as much as might have been expected; and the Chiefs themselves have been allowed to do much as they liked, and are naturally averse from any change in this, to them, satisfactory position. The interests of nearly 200,000 people have been largely subordinated to those of a dozen chiefs.

Theoretically, the Chiefs' powers are limited and a measure of justice is supposed to be ensured by the fact that tribal business is discussed in Kgotla, a meeting open to all, and that all there present are entitled to discuss matters freely and openly, and that decisions there taken are those of the Chief, his councillors and his tribe.

In fact this is by no means true. In the first place, there is a strong feeling of loyalty to, and superstitious fear of the Chiefs among the tribes, bad though the Chiefs may be: "There's such divinity doth hedge a King that treason can but peep to what it would."

Moreover members of the tribe do not dare to get up and oppose the views or wishes of the Chief (except when the Chief is a weakling) as they know full well that if they do so their lot will not be a happy one afterwards.

I have sat in Kgotla with several of the tribes since my appointment as Resident Commissioner and have seen the system at work: numerous examples could be given, but I may here confine myself to one which is notorious, viz., the Bamangwato Kgotla at Serowe, where, although it is perfectly well known that large numbers (probably the majority) of the tribe favour mining, and thousands of the tribe go out to the mines in the Union to work, not a man dared to get up and say so in opposition to the Chief's personal views, and Chief Tshekedi himself admitted to me in writing that his presence on the School Committee might hamper free discussion by his people.

Due to the above mentioned causes various difficulties have occurred among the tribes during the past year. It was fortunately possible to settle these by rapid action, but had this not been done, they might have led to serious troubles for which the Administration would have had to bear the responsibility.

Others will no doubt present themselves to Your Excellency's mind, *e.g.*, the controversy regarding the Tuli Block boundary fence, the Lungsickness Camp, the Serowe Water Supply, and others.

And while the powers of officers of the Administration are, very properly, strictly defined and limited, those of the Chiefs are practically unlimited—to the detriment of the welfare of their people and of true progress and adding to the difficulties of the Administration which has to answer for, and make good their misdeeds.

2.—The Chiefs.

Taking them as a whole the present Chiefs of the various tribes in the Protectorate do not afford very much ground for optimism as regards the future administration by them of their tribes. With the notable exception of Tshekedi, Chief of the Bamangwato, and the possible exception of Bathoen, the young and recently appointed Chief of the Bangwaketsi, the level of their intelligence is low and their influence over their tribes does not appear very great. I will deal with them individually.

(i) Bathoen: *Chief of the Bangwaketsi Tribes—Headquarters Kanye.*—This young Chief appeared, when I first met him, to be more interested in getting as much money out of the Tribal Funds for his own personal amusement than in anything else. His attitude towards the Administration was one of suspicion, if not of hostility; and he appeared to be rather more in the hands of one of the local white traders than in touch with the Resident Magistrate whom he did not visit except by instruction. Indeed on one occasion he deliberately issued an order which was in knowing and flagrant contradiction of a Proclamation issued under the authority of the High Commissioner. I insisted on a letter of apology from him for his action and I subsequently had several conversations with him in the course of which I gave him sympathetic advice.

As a result the position appears to have changed very much for the better. His attitude towards the Administration has become quite friendly: he attends weekly and regularly at the Magistrate's Office to discuss all matters of importance affecting the Tribe; he has acquired a greater sense of responsibility, and his influence with the Tribe has, as a result, markedly increased. At a recent Kgotla meeting I was able further to strengthen his position and improve relationship generally by the action which I found it necessary to take in regard to Gobuamang, the recalcitrant Headman of a small section of the Bakgatla who had taken refuge in the Bangwaketsi Reserve about 120 years ago. This Headman had consistently defied the authority of the Bangwaketsi Chiefs and of the Administration for a quarter of a century. I have now arranged for him to leave Moshupa, where his tribe is centred and reside at Kanye under the eye of the Bangwaketsi Chief and of the Magistrate, and for the affairs of his Tribe to be carried on by his son who is a more satisfactory person. I have addressed a separate despatch to Your Excellency on this subject.

I am hopeful that, if matters continue on their present lines, the young Chief Bathoen should develop satisfactorily and that we may look for his cordial co-operation in the future in the interests of the welfare of the Tribe. He has for example recently established an admirable water supply system for the tribe at Kanye and the Magistrate is satisfied with the present position and the prospects. I withhold judgment for the present.

(ii) Chief Gaborone: *Batlokwa Tribe—Headquarters Gaberones.*—The Chief of this Tribe, Gaberone, is said to be over a hundred years of age and is in a piteous condition. He is not likely to live very much longer. The Acting Chief Matlala is not a very satisfactory person. He is not so much vicious as incompetent, and I do not think there would be adequate grounds for opposing his election to the Chieftainship

95

after the death of the old man, especially as there is no one else in the Tribe who would appear to be markedly suitable for the post. But the serious position here is that this Tribe occupy land belonging to the Chartered Company which by agreement must revert to them on the death of the Chief. They are bitterly averse to moving and I fear that difficulties will undoubtedly arise when the moment comes for action to be taken. This cannot be long delayed, and I think that the two most promising courses are either to give them other land in the Crown Lands or to ask the Chartered Company to exchange a piece of land from the Crown Lands for the land now occupied by the Batlokwa, which amounts to about 20,000 morgen. The Chartered Company are extremely unlikely to extend the lease on the present, or any, terms to the Tribe. They have depreciated the land in value, are in arrears with their rent, and are otherwise objectionable. This matter has formed the subject of separate reports to Your Excellency. (See despatch No. 778 of 11th December, 1921, Your Excellency's reply No. 2393 of 27th March, 1930, and subsequent correspondence.)

(iii) Chief Seboko: *Bamalete Tribe—Headquarters Ramoutsa.*—Here again the Chief is an incompetent person but without any markedly vicious tendencies other than an addiction to drink. The trouble with this Tribe is that they have an insufficiency of land suitable for grazing, a subject which has already been the subject of a report to Your Excellency. (See despatch No. 778 of 11th December, 1929, Your Excellency's reply No. 2393 of 27th March, 1930, and subsequent correspondence.)

I trust that it will be possible, as one of the results of the water boring scheme now before the Colonial Development Committee so to improve the position as to render it unnecessary to remove this Tribe. I think the matter must be left until next year when we have got to work on the big scheme.

(iv) Chief Molefi Pilane: *Bakgatla Tribe—Headquarters Mochudi.*—The position here, while peaceful on the surface at the moment, presents the elements of possible future trouble. They have been well governed until recently by ex-Chief Isang, an able man of progressive though autocratic tendencies. The young Chief Molefi was installed only recently. He is a mere boy and will need careful handling and guidance if he is to be brought to realise a sense of his responsibilities, and guidance on the right lines to fit him to rule in the interests of the Tribe. I am glad to say that he has recently shown hopeful signs and especially in connexion with the recent Agricultural Show at Mochudi (on which subject I made a separate report to Your Excellency—see my despatch No. 2072 of 14th October, 1930, and Your Excellency's reply No. 2018 of 22nd October, 1930), he seems to be progressing.

But the position is complicated, at all events potentially, by the attitude of ex-Chief Isang. He is acting as the young Chief's adviser and, while ostensibly he is supporting him, it is not at all clear that he is not in fact working against him with the possible view of re-establishing himself in the Chieftainship should the young Chief prove himself incompetent or distasteful to the Tribe. Proof of this is lacking, but I have received reports to this effect from those living in the neighbourhood (Missionaries and others) who are in close touch with and have considerable experience of Tribal affairs. The position is one which will need watching closely, and I have given the Magistrate of the District the necessary instructions to this effect, while I am myself keeping personally in touch with it.

(v) Chief Letlamoreng Montsoia: *Barolong Farms.*—Though this Chief resides rather more at Pitsani Pothlugo than at Mafeking, owing to marital difficulties of a somewhat serious nature, he can hardly be regarded properly as a Protectorate Chief. His main stad, containing about 6,000 people, is at Mafeking on the Molpop and the Barolong Native Reserve stretches for 75 miles down the River.

Letlamoreng's personality does not call for much comment; he is neither better nor worse than the average native in the Territory, though his Tribe are more progressive than many others.

But the positon of the Tribe on the Barolong Farms is a more serious matter: their position has never been regularized and must be settled soon. I am addressing a separate despatch to Your Excellency on this question which is a complex one, and in view of the fact that a petition on the subject has been received from the Tribe, the time would appear opportune for attempting a solution.

(vi) Chief Sebele: *Bakwena Tribe—Headquarters, Molepolole.*—A separate despatch (No. 1581/1 of 7th October, 1930) on the subject of this Chief and Tribe

has been sent to Your Excellency, and it is unnecessary for me to add anything to what I have already said except that every Missionary, trader and Official who has any knowledge of the state of affairs in this District is in agreement as to the deplorable condition of things and the necessity for drastic action in regard to the Chieftainship.

(vii) CHIEF TSHEKEDI: *Bamangwato Tribe—Headquarters, Serowe.*—A separate despatch on Tshekedi and affairs of this Tribe has been sent to Your Excellency. I would only add that I was not at all impressed by the young Chief Seretse, a boy of ten, when I met him at Serowe. I consider that the sooner he is sent to a carefully chosen school the better it would be for him and for the future of his tribe. He is at present arrogant and bad-mannered, and does not strike one as being possessed of much intelligence.

(viii) CHIEF MATHIBA: *Batawana Tribe—Headquarters, Maun.*—Owing to drink and disease this Chief is practically crippled and, though educated, is weak and unintelligent, exercising little or no authority over his tribe. He is, in spite of his many faults and shortcomings, an amiable personality, well disposed towards his people and to the Administration, and does his best. I should imagine that he is unlikely to live long though he is a comparatively young man, and it is quite possible that before long he may become incapacitated and be persuaded by his own people to hand over the reigns of government to his son, Moremi. For this reason I paid some attention to this youth when at Maun. He was weedy and weak-looking and almost uneducated, about 16 years old.

I accordingly induced the Chief and Tribe to agree (which they did willingly) that he should be sent to school, and that prior to this he should go to the police training depot at Gaberones for a course of training to improve him mentally and physically. I have since visited Gaberones, where I found Moremi already considerably improved; he liked the life, was much more cheerful and altogether brighter, and physically had made much progress. I am hopeful that in a couple of years he may be made into a useful possible Chief: his school must be selected with care.

(ix) DAMARA TRIBE, *Ngamiland: Chief Mathiba of the Batawana.*—Owing to Mathiba's weakness the Damara headmen have refused to obey the Chief's orders and there was much friction between the Damara and the Batawana in consequence.

Various impracticable suggestions had been put forward for dealing with this difficulty, *e.g.*, the return of the Damara to South West Africa, an obviously impossible course inasmuch as we could not force them to return without their cattle, and the South West Africa Administration would not allow their cattle to come in.

I have temporarily settled the trouble by ordering certain of the Damara headmen to come in and live at Maun so as to strengthen Chief Mathiba's authority and ensure that his instructions and those of the Government will be carried out. Whether this will solve the difficulty, permanently, remains to be seen.

(x) NICODEMUS, *Damara Headman at Xomo on Botletle.*—This man and his followers, having quarrelled with the Batawana, many years ago left Ngamiland and were at first placed by the Government on the Chobe, but being dissatisfied with the land, he was given the place where he now is—on temporary conditions, of course, as it is Crown land—and he has prospered greatly. He now pays hut tax after some years pleading poverty. Now and again he travels about in South Africa collecting other Damara, and some day he and his Tribe may present a formidable problem. He will not come under the Bamangwato Chief, but his relations with Sekgoma were friendly and, I believe, so they are with Tshekedi.

(xi) CHIEFS SINVULA AND CHIKAH: *Two Basubia Tribes—Headquarters, Kachikau, Ngamiland.*—There is a certain amount of friction between these two branches, and consequently difficulty of administration, owing to there being two Chiefs for two small branches of the same Tribe. The position has arisen in the following manner:—

The old Chief was Lesoane; Sandono, his eldest son was favourite, but he wished to introduce Batawana customs which was resented by the Tribe, so he was driven out and any question of reinstating him as Chief of the two branches is out of the question. The next son, Chika Lesoane, should have succeeded according to Batawana custom, but by Basubia custom the succession should go to the son of the Chief's sister, namely, Sinvula Keka. To solve this difficulty the Government allowed both to be Chiefs, and as a result of this decision there are two small branches of the same tribe under different Chiefs, which causes endless trouble and friction.

However, the mistake having been made it is now difficult, if not impossible, to displace either of them, unless one of them behaves very badly, or the tribes desire to amalgamate under one or the other, and the only thing to do for the present appears to be to leave them as they are.

(xii) CHIEFTAINESS MOTSHABI: *Batawana Tribe—Headquarters, Kachikau.*—No special points appear to call for comment. The Chieftainess is an elderly and rather determined person, and the Tribe (a small one) is no worse administered than most of the others.

We had some difficulty with this Tribe (and also with the Basubia referred to above) owing to the mistaken activities of a London Mission Society's representative and the fact that the Administration at Kasane were quite out of touch with conditions at Kachikau. That has now, however, been satisfactorily adjusted, everything is quite peaceful, and suitable arrangements have been made as regards the future. (Separate despatches on this matter were addressed to Your Excellency.)

(xiii) HEADMAN BAKWEDI AND OTHERS: *Makalaka Tribes—Headquarters, Ramoquabane.*—Bakwedi has recently succeeded Habangaan, a very good headman, and seems to be doing well. The tribes are much cramped for land and there is a certain amount of friction between them and the European settlers on this score, and also because they have to hire land. I am examining this question to see what can be done.

(xiv) SAMUEL MOROKA: *Barolong Tribe.*—RAMOKOATE TEELAWA: *Bakhurutsi Mahaling Tribe—Headquarters, near Francistown.*—Moroka is a very old man who, since his defeat by the Boers at Thaba 'Nchu, has been banished for 50 years from the Orange Free State to which he wishes to return. There is no chance of his request being granted. He was educated at St. Augustine's, Canterbury, and was well thought of by Sir George Grey.

Ramokoate has difficulties with some of his headmen, and does not seem a very strong character, though innocuous.

Both tribes have the same difficulties as those referred to under the Makalaka (see under (xiii) above), and the examination of these is being dealt with simultaneously.

(xv) I have made no reference to the Ghanzi district or to the backward people of the Lehututu district (Bushmen, Hottentots, &c.), as I have not yet had time to visit them personally. Travelling in the Territory is a lengthy and arduous matter.

3.—ECONOMIC AND SOCIAL CONDITION.

With the exception of the Bakgatla Tribe at Mochudi the general condition of the Tribes cannot be regarded as satisfactory. Their health and physique are poor, and in this connexion I would refer to the reports by the Principal Medical Officer and my covering despatches Nos. 704 and 1287, forwarded to Your Excellency on 21st July and 25th September, 1930.

That there is no necessity for such a state of affairs is evidenced by the condition of the Bakgatla Tribe at Mochudi, where, thanks to the efforts of their progressive Chief, ably assisted within the last six years by an enlightened missionary of the Dutch Reformed Church, Mr. Reyneke, the people are markedly better off than is any other tribe of the Territory that I have seen.

Their huts are well built and thatched, artistically decorated, clean and roomy; they have been taught to produce good pottery and basket work; and to adopt better methods of cattle raising and agriculture than prevail elsewhere.

They have provided for themselves out of their own resources an admirable system of water supply and an excellent school building. My efforts to stimulate native shows, in preparation for the General Bechuanaland Protectorate exhibit to be held next year at the Johannesburg Agricultural Show, resulted in their staging the first Native Agricultural Show to be held in the Territory, a really excellent series of exhibits of cattle, pigs, small stock, poultry, and arts, and concerning which I have addressed a separate despatch (No. 2072 of 14th October, 1930) to Your Excellency.

They have an excellent system whereby no one may sell grain out of the village unless they have a three years' supply in locked granaries.

As a result of all this they appear to be better in health, more prosperous, and generally happier than the generality of tribes in the Protectorate.

As already stated there is no reason why the other tribes in the Protectorate should not attain this level and why all should not surpass it—it is not so very remarkable.

But to achieve this it is necessary for the Administration to take a much more definite line than it has done hitherto as regards education, hygiene, assistance and leadership generally. And indeed as I read the policy of His Majesty's Government as laid down in the recently issued White Paper on East Africa, it is clearly their duty to do so and not to allow the purely personal desires of the Chiefs to stand in the way of the welfare of their peoples.

The first need of the native, from whatever point of view, is water. Unless he has adequate water supplies he cannot grow enough food to nourish himself properly, and unless he is properly nourished he cannot work properly or learn properly, nor can he derive adequate advantage from his land or stock. That was one of the main reasons prompting my proposals for a water boring scheme for the Territory now under consideration by the Colonial Development Act Advisory Committee. Having been provided with water he can then be taught how to grow his crops, how to improve his cattle, how best to utilize his land and generally how to improve his health, his wealth, and his status generally.

We are trying with the very limited means at our disposal to attack the various problems arising out of these questions, *e.g.*, improving (not merely increasing) the production of native creameries which involves instruction and inspection; improving the weight and appearance and breed of native stock by supplying bulls and forming bull camps (the natives had not been given one bull by the Administration in the last five years) and inducing natives to castrate more bulls and at an earlier age; improving the quality of hides exported which again needs instruction and inspection; giving instruction in the best methods of planting and raising crops and the best seeds to use; instructing them in various arts and crafts; and helping them to obtain and retain markets by improving the quality of their produce.

To this end we are organizing trial shows in various districts to work up to the best possible result for the general exhibit to be held at the Johannesburg Show next year, which it is hoped will be of much benefit to natives in the Territory. To this end also I am submitting proposals to improve our educational arrangements; and I would only add that if anything were needed to prove the crying demand for hospital accommodation the fact that the Athlone Hospital was full and overflowing within one month of opening speaks for itself. But all efforts of the Administration must fail unless the Chiefs, through whom it is, of course, necessary to work, will lead their people in the desired direction, either of their own volition or on the instructions of the administrative and technical officers of the Government.

4.—Health and Hygiene.

As regards health and hygiene I do not think I can do better than again refer to Your Excellency the Principal Medical Officer's Report on "Native Customs calculated to impair the Health and Progress of the less Civilised Populations" of the 16th June, together with my covering despatch No. 1287 of 21st July, and to the Annual Medical and Sanitary Report, 1929, forwarded with my despatch No. 704 of the 25th September, 1930.

The clamant necessity that existed for hospital accommodation has been made manifest by the instant success of the Athlone Hospital for which the Territory is indebted to Your Excellency's personal efforts. Within one month of opening it was full and overflowing, every bed being occupied, patients meriting attention being turned away, and the out-patients' department more than fully occupied. I have no doubt but that a similar result will attend the opening of the Sekgoma Hospital at Serowe.

From the reports of my medical officers, from personal observation, and from other sources I can only repeat that the health and physique of the Bechuana tribes are generally lamentable, and compare unfavourably with those of tribes in a similar state of development in other parts of South Africa.

I am convinced that for a primitive tribe, dependent for their livelihood on pastoral and agricultural pursuits, and who do not possess the most elementary ideas of sanitation, the present system of the Bechuana to live in large towns of from 10,000 to 27,000 people round the Tribal Chief is quite wrong, both from economic and health aspects; and in order to promote the physical, moral, and economic betterment of the

people due consideration should be given to the proposal of decentralizing them into small towns and villages. This will require very careful investigation and elucidation to the Chiefs and people before it can be contemplated and applied, but I propose to explore the possibilities as soon as the water boring scheme has been approved, as everything hinges on the latter.

5.—Conclusions.

There are matters other than those touched on above which will need attention and with which it will be necessary to deal as time allows, *e.g.*, the constitution of the Native Advisory Council and the utilization of the Native Fund.

But the principal matters on which I feel that our attention should be focussed are:—

(1) Definition and delimitation of powers of Chiefs and of jurisdiction of Native Courts.
(2) Provision of water supplies.
(3) Extension of educational and instructional efforts especially in regard to agriculture, stock rearing, dairying, and arts and crafts.
(4) More initiative and leadership on the part of the Administration.

Now that the Union market is so hedged in with restrictions as regards our cattle, it is of course necessary to do everything possible to open up fresh avenues for native produce. And one of the most fruitful of these would be the inauguration of mining within the Protectorate which it is assumed is now within measurable distance of realization.

That the work is needed is shown by the fact that thousands of natives annually leave the Protectorate for work in mines outside: the figures are estimated by Mr. Ballinger at over 50 per cent. of the adult male population. The wages they earn are largely dissipated outside our frontiers; they might well be spent here where it would, moreover, be possible to control conditions in the best interests of the natives and to do a good deal to prevent the detribalizing influences which operate when they leave their own country to work for long periods outside it. And apart from this it is surely better that they should be able to find work near their homes and tribes by the creation of which a demand must be made for much native produce and native industry be thereby encouraged.

The Walvis Bay Railway, a more remote contingency, would, in addition to the many other obvious benefits it would confer, also assist in providing an overseas market for cattle: meanwhile we have arranged that some of ours should participate in a Rhodesian trial shipment overseas for which special terms have been obtained. And it would be of immense assistance to natives if scrub cattle (which cannot be exported) could be utilised by the establishment of a Meat Extract Factory in the Territory: this would reduce the number of such cattle, a most important point, and would provide a market for them.

The task before the Administration is a formidable one, but many more difficult have been accomplished successfully elsewhere; and, given sympathetic support and the utilization of our resources to their best advantage, there is no reason why improvement should not be made manifest at a faster rate than sometimes appears to be imagined possible.

In any event, it seems to me, that it is clearly our duty to attempt it.

C. F. Rey

8th November, 1930.

Tribe.	*Chief.*	*Area*	*Population.* (1921 *Census*)	*Stock.*
Bamangwato.	Tshekedi Khama.	39,000 sq. miles (11,778,000 morgen)	58,047	357,464
Bakwena.	Sebbele II.	15,000 sq. miles. (4,530,000 morgen)	11,162	48,967
Bangwaketsi.	Bathoen II.	9,000 sq. miles. (2,718,000 morgen)	17,466	56,143
Batawana.	Mathiba Moremi.	34,500 sq. miles. (10,419,000 morgen)	17,449	130,262
Bakgatla.	Molefi Kgavi Pilane.	3,600 sq. miles. (1,087,200 morgen)	11,604	47,521
Bamalete.	Seboko.	178 sq. miles. (53,756 morgen)	5,000	8,466
Batlokwa.	Gaberones.	66 sq. miles. (19,932 morgen)	1,200	5,865
Barolong. (Barolong Farms)	Letlamoreng. Montsioa.	450 sq. miles. (135,900 morgen)	3,154	23,529

Enclosure 2 in No. 112.

(Bechuanaland Protectorate.)
(No. 2192.)

SIR, High Commissioner's Office, Pretoria, 29th November, 1930.

I HAVE the honour to acknowledge the receipt of your despatch No. 2364 of 8th November describing your tour through the Protectorate and enclosing a copy of your report on Native Affairs. I have read both these reports with the greatest interest and wish to thank you for the excellent information you have collected and for the work you have done in the course of your long and arduous journey.

I shall postpone any questions I may wish to ask and my observations till a future date.

I have, &c.,
ATHLONE,
High Commissioner.

His Honour
The Resident Commissioner
of the Bechuanaland Protectorate.

20261/2.

No. 113.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 29th December, 1930.)

(Bechuanaland Protectorate.)
(No. 618.)
(Confidential.)

SIR, High Commissioner's Office, Pretoria, 9th December, 1930.

IN continuation of my Confidential despatch No. 594 of the 29th November,* and with reference to my despatch No. 617 of to-day,† I have the honour to transmit herewith, for your information, a copy of a despatch which I have addressed to the Resident Commissioner of the Bechuanaland Protectorate regarding certain matters dealt with in his reports on his tour in the Protectorate and with reference to native affairs in the territory.

I have, &c.,
ATHLONE,
High Commissioner.

---

* No. 112. † 20283/1: not printed.

Enclosure in No. 113.

(Bechuanaland Protectorate.)
(Confidential.)
(No. 2192.)

SIR, High Commissioner's Office, Pretoria, 9th December, 1930.

IN continuation of my despatch No. 2192 of the 29th November, I have the honour to make the following observations upon various matters dealt with in your despatch No. 2364 of the 8th November regarding your tour in the Bechuanaland Protectorate and the accompanying report on native affairs in the territory.

2. I was particularly pleased to learn of the arrangements you have made for the physical and intellectual training of the son of the Batawana Chief, and I hope that before long you will be able to make similar arrangements for the education of Seretse.

3. I was also very interested in the efforts you are making to encourage agricultural shows amongst the natives, and I hope that they will be rewarded with success.

4. With regard to the establishment of a meat factory in the Protectorate, you are doubtless aware that my efforts in this direction in the past have not met with much encouragement. Liebigs ("Bovril") were approached and at first showed signs of coquetting with the proposal, but I formed the impression that they regarded it mainly as a means of securing a lease of large areas of Crown land. At one time I had under consideration an ambitious scheme put forward by the Union Department of Agriculture under which a centrally situated works, either at Fourteen Streams or Lobatsi was to treat cattle from the Union, Southern Rhodesia and the Bechuanaland Protectorate for the export and canning trade. The Company at first displayed considerable enthusiasm, but eventually the scheme was abandoned.

I have, &c.,
ATHLONE,
High Commissioner.

His Honour
The Resident Commissioner of the
Bechuanaland Protectorate.

20261/4.

No. 114.

DESPATCH

from

HIGH COMMISSIONER, SOUTH AFRICA.

(Received 19th January, 1931.)

(Bechuanaland Protectorate.)
(No. 648.)

SIR, High Commissioner's Office, Cape Town, 31st December, 1930.

WITH reference to Lord Athlone's despatches No. 594 of the 29th November,* and No. 618 of the 9th December† relative to the Report by the Resident Commissioner of the Bechuanaland Protectorate on native affairs in the territory, I have the honour to transmit herewith, for your information, a copy of a further despatch from Colonel Rey regarding the difficulties which had occurred with the Damaras in the Batawana Reserve.

I have, &c.,
R. M. BURMESTER,
High Commissioner.

Enclosure in No. 114.

(No. 18.)

Resident Commissioner's Office,
Mafeking, 9th December, 1930.

MY LORD, WITH reference to paragraphs 2 (viii) and (ix) on pages 9 and 10 of my Report on Native Affairs transmitted with my despatch No. 2364 of the 8th November, I have the honour to forward herewith copy of a minute I have received from the Resident Magistrate, Maun, on the subject of the Damara Headmen residing at Maun.

---

* No. 112. † No. 113.

2. The Resident Magistrate's reference to the Chief's condition supports the views I expressed in my Report, and render the more necessary the steps I have taken for the education of the Chief's son. This youth continues to make satisfactory progress at Gaberones and will proceed to the Domboshawa Government School, Southern Rhodesia, in February next.

I have, &c.,
C. F. Rey,
Resident Commissioner.

His Excellency,
The High Commissioner,
Cape Town.

The Government Secretary, Mafeking,

With reference to the Resident Commissioner's Minute No. 18 of the 1st September, I have to inform you, for His Honour's information, that the Damara Headmen Kazonenga and Hijaviposa have duly reported themselves at Maun and that the Chief Mathiba, this day, duly instructed them to take up their residence at Maun and to attend Kgotla meetings.

On the Chief's request I attended the meeting and supported him after he had spoken. The two Headmen have now agreed to reside here and, in view of the severity of conditions now obtaining, they have been given until 1st February to prepare for their move. They are to be in residence here at latest by the end of March, 1931.

It is quite clear to me that they are obeying the Government and not the Chief whose mental capacity and personality are rapidly diminishing factors.

J. W. Potts,
Resident Magistrate.

Maun, N'gamiland,
30th October, 1930.

F. 20261 [5].

No. 116.

REPORT BY LIEUTENANT-COLONEL C. F. REY ON A VISIT OF INSPECTION TO THE KALAHARI DISTRICT.

(Copy received in Dominions Office 4th May, 1931, under cover of High Commissioner's despatch No. 219 of 17th April, 1931.)

Report.

I have the honour to submit herewith the following report with regard to my recent tour of inspection of the Kalahari District.

I left Mafeking on Sunday morning the 15th February and returned on Friday night the 27th *idem*. The route followed was a comparatively new one direct to Kanye, and thence westward via Sekhoma, Kakia and Kokong to Tshane; radiating from Tshane I visited the villages of Gukunis, Lehututu, Lokwabe and Kartlwe. From Tshane I proceeded southwards to Tsabon, and returned thence to Mafeking via Kuruman and Vryburg.

The total mileage covered was approximately 950, and the time taken thirteen days. The journey was a somewhat strenuous one, involving as it did pushing through and over thick thorn bush and other undergrowth, and ploughing through extremely deep and heavy sand. The so-called tracks (where any existed) were worse than useless in many cases inasmuch as they had been ploughed up by wagon wheels or cattle, thus rendering the soft sand looser and more difficult to get through. The prevalence of ant-bear holes was a further difficulty as being concealed by bush, and otherwise, the forepart of the leading lorry fell into them on several occasions and had to be dug out. The heat generally was intense, in spite of the fact that rain fell during two nights and two days of our journey; this, while cooling the atmosphere temporarily for brief intervals, appreciably increased the discomfort.

Lack of water was, however, our most serious difficulty, and we were forced to carry very large quantities with us to tide us over along the different "thirsts." The bulk of water required was of course for the radiators of the cars; we managed at all times with care to obtain or carry a sufficient supply for this purpose and also for drinking, but at intervals the supply was not sufficient for washing.

Transport.

The party consisted of Dr. Dyke, Principal Medical Officer; Mr. Chase, Chief Veterinary Officer; Mrs. Rey and myself. We travelled in our own Armstrong-Siddeley car and in a 1½-ton Chevrolet lorry. Very fortunately for us as events proved, we were accompanied by the well-known American traveller, Mrs. Douthirt, who travelled as an independent self-contained unit in another 1½-ton Chevrolet lorry of her own entirely at her own expense. This was a fortunate happening, for our own lorry broke a back axle, the king-pin of a front axle and a spring, and had it not been for the mechanical skill of Mrs. Douthirt's driver and the large number of spare parts which he carried with him, we should have found ourselves in serious difficulty.

Mr. Sharp, a trader of Kanye and Lehututu, acted as guide to the party and drove the lorry. The only expense incurred by the Administration was £85, being the all-over charge made by Mr. Sharp for the hire of his lorry, the use of his services and the petrol consumed.

Our own Armstrong-Siddeley car behaved magnificently and its achievements should be used as a valuable advertisement for English cars. The American car complex which obtains so largely in South Africa has, in my view, no justification in fact. The Armstrong car did everything that any car could do: it was not held up by the thickest sand; it crashed over extremely broken ground and through thick bush without damage to itself, and came through without a single puncture in spite of the mass of thorn bush traversed. The tyres used were Dunlop Reinforced Balloon Fort (Y) 31 x 6¼. It should be remembered that car and tyres have covered 9,000 miles, including the difficult journey through the mopane bush and deep sand of N'gamiland.

The lorries also behaved well in the very trying conditions under which they were being worked, carrying heavy loads of petrol and water. They also came through without any punctures, though they suffered the minor accidents referred to above.

Statistics.

I do not wish to burden my report with figures but I feel that there are just five that should be quoted as a preface as they are perhaps not always realized. The area of the Kalahari administrative district is 50,000 square miles; the population is 7,000; the amount of hut tax collected last year was £1,200; and the total administrative strength of the district is one European Sub-Inspector and one European Non-Commissioned Officer of Police and nine Native Police; there is one administrative post for the whole district. These figures speak for themselves.

Conditions of the Native Population.

The native population of the district is a mixed one, including Bakalahadi, Hottentots, Bushmen, Matlara, Damara, Barolong, Bangwaketsi and a few Bakwena.

I held meetings or had interviews with as many natives as possible at the main villages visited, and along the route at various cattle posts, &c. The more important meetings were with the Hottentots from Kartlwe; with Bakalahadi and Barolong from Tshane, Gukunsi and Lehututu; and with Matlara, Hottentot, Damara, Bakalahadi and Barolong at Tsabon. I also had an interesting meeting with the Morolong Headman Moshupi at Kokong.

For the most part the villages, very small ones, are situated at the edges of the many large pans with which the country abounds. With few exceptions these pans were dry though it was the rainy season, but generally we found an outcrop of limestone formation at one corner of the pan, in which the natives had sunk pits or primitive wells. These pits or wells mostly hold water at this time of year, but the water was frequently in a shocking condition, evil smelling and filthy, and occasionally tenanted by live snakes and dead animals.

The pans themselves were of considerable extent, one being three miles across; the surface was, as a rule, hard dry smooth mud, constituting magnificent natural aerodromes; in one or two cases there was water on the pan, and one or two were covered with excellent grass; here game was of course plentiful.

The villages themselves were miserable constructions, the huts were small, flimsy and dirty, and reflected accurately the primitive conditions under which most of the people live. They possess the bare necessities of existence and exist on the barest margin of food and water.

I was indeed painfully impressed by the poverty-stricken condition of the natives that I met throughout the Kalahari. I am not now referring to the Bushmen but to the other tribes—Hottentots, Bakalahadi, Matlara and others. Their food consists

largely of the berries of two or three species of bushes and trees, of which I have brought back samples; and of the root of a sort of willow tree which is stamped and mixed with water or more rarely milk. The effect of such diet is obvious, and naturally results in emaciated bodies and swollen stomachs, a characteristic which I found very general; anyone familiar with the typical Bushman would, of course, recognize the description.

We do not appear to have been able to do anything to ameliorate the conditions under which these people live, and the benefits which they derive from our protection and from the hut tax which they pay are not obvious. It would not be necessary to do very much to make an appreciable difference in their standard of life, which at present is little above that of the animal. To help them practically it would be necessary to sink boreholes and wells, and to provide them at suitable centres with a few hand pumps and troughs; to open up new grazing areas by an extension of these watering arrangements, and to educate them in the raising of crops suitable for foodstuffs in the neighbourhood of the water so developed.

That this can be done is obvious from the gardens I saw at Gukunsi where, thanks to the efforts of a trader named Hoyle, the natives do in fact raise tobacco which the trader buys from them, and beans which they eat. They are able to do this at Gukunsi because there is an outcrop of limestone formation in which an ample supply of good water is found in shallow wells. There is no reason why this should not be extended. The soil is certainly good enough; at a cattle post which we passed on the second day's trek out from Kanye we found beans and mealies growing, again near shallow wells, and these crops were doing quite well, although the native in charge of the cattle post told us that they had not had rain there since the ploughing and sowing were done (practically simultaneously) in December or January last.

But water near the surface is rarely found, and where found it results in a congregation of cattle at this place causing the veld to be eaten off and trampled out at this one place, leaving huge stretches of excellent grazing unused all around. Even at many of these shallow wells where water is now found it disappears in the dry season, though of course it merely needs deepening of the wells to provide for an all-year-round supply.

I was much impressed with the marked difference in the appearance of the natives over the border near Kuruman. The half-starved, ragged, poverty-stricken, wilting people whom we had left in the territory were replaced by well-fed, contented-looking natives, decently clothed and living in well-built houses. It was an unpalatable fact to have to digest, but it was unfortunately obvious. And in the main it is due to one cause—the provision of water.

Water Difficulties.

The difficulties of finding water during the dry season in present circumstances may be illustrated by the following examples:—

The Bakalahadi store water during the rains in any sort of receptacle that will contain it, such as calabashes, &c. They even fill ostrich eggs with water, peg them with a piece of wood, and store them for the dry season. I went into several huts where I found these piles of ostrich eggs filled with water, stored not against a rainy day but against the days when there is no rain. They were carefully stacked in the most secluded and private part of the hut which was shut off from the rest of it; showing the value which they attached to it. All the tribes of the Hottentot, Bakalahadi, Batlara or Bushmen use the small wild melon "Mokawa" extensively as a means of obtaining water; they beat it over a fire which seems in some way to concentrate and precipitate the water, and then drink the miserable spoonful that they get out of it. The pulp of the larger wild melon is also used for food and drink.

The Bushmen with a stronger animal instinct have yet another means of providing themselves with water. At a suitable place, which they only can find apparently, they scrape out a shallow pit and then drive a long hollow reed down through the sand, by which means they suck up water. One astonishing thing about this is that if one digs in these places one finds no water. The other astonishing thing is the instinct which enables them to locate the precise spot. It is reported that they choose a place where there is one green bush surrounded by many dry ones and drive their reed down near this one green bush. But though I examined several of these "Bushman Pits" I could not see any outward cause for their having selected that particular spot.

We went through the country during the rainy season; indeed, it was actually raining during part of our trip, yet long "thirsts" were met with on which there was not a drop of water. For example, in the hundred miles from Kakon to Tshane

100

there is no water. On the 160 miles' stretch from Tshane to Tsabon there was only one pan of water about half-way, and in the dry season there is none even in this one pan.

Yet, as I have already pointed out, at nearly all the big pans there was a collection of wells generally at one corner, where the limestone formation outcropped, and here good water was generally found at a rough average depth of about 40 ft. But these rough wells are not properly sunk or timbered, nor are they pushed deep enough, and consequently they shrink or even dry up during the dry season. Even when we went through it was pathetic to see the method of watering the cattle. Sticks had been driven across the wells at intervals and on each of these stood a lad, one above the other. In a rough receptacle they passed the water up from one to the other, the man at the top pouring the water into a dirty, muddy pool near the well, around which hundreds of cattle were congregated waiting for their wholly inadequate drink —some of them had been waiting two days—and the crying of the cattle and small stock was painful to listen to. The waste of precious water as a result of this system was lamentable owing to evaporation and absorption in the ground.

It would be so easy to remedy this; a borehole, a hand-pump and a few troughs is all that is needed. In some cases possibly even a borehole would not be necessary, a shallow well might suffice.

The vast extent of magnificent grazing lying unused and useless is a depressing sight. Good grass of various kinds abounds, including several varieties of the well-known woolly finger; and a comfortable living could be provided for tens of thousands of natives in the Bangwaketsi Reserve alone, whilst hundreds of ranches could be opened in the Crown Lands, to the immense benefit of the natives around, if only water were to be proved. If Government is unable to provide the funds to enable this to be done, surely the question of allowing it to be done by private enterprises should be considered.

I cannot feel that we are justified in allowing the native population to continue in the miserable condition in which they now exist.

Kokong.—This settlement on the edge of the Bangwaketsi Reserve presents the usual feature of a few huts scattered along the rising ground at one side of a large dry pan. I had an interview here with a rather more progressive native than the average, one Moshupi headman of a small Barolong settlement. Moshupi is reported to me as having consistently endeavoured to induce his people to sink wells and grow crops, and though his success was not very obvious it was nevertheless clear that some attempt was being made to do things.

He also encouraged the local school by all means in his power (a poor institution run by a London Missionary Society Native Teacher) *inter alia* by insisting on the regular attendance at the School of his very extensive family (the offspring of a plethora of wives).

He was depressed by the fact that the few wells he had been able to get sunk were drying up as they were necessarily very shallow; and that the grazing all round in the vicinity was being trampled out or eaten down—the usual and obvious result of concentration.

He seemed, however, much encouraged by our visit and promised to try to continue his good work; I thought it well to add material value to my remarks by promising to send him out a small present which has since been done.

Kakia.—Kakia presents the usual features of a few huts at one corner of a huge pan inhabited by a few Bakalahadi. There are two deepish wells in the limestone sunk by Europeans, one of which provided us with a plentiful supply of excellent water; from the other the emanating stench indicated the presence of foreign matter.

Here there is a white trader (Williams by name) running a particularly poor store, and the filthiest and most fly-infested dairy (for the production of ghee) that I have ever seen.

If this man could be taught the rudiments of dairying so that his product could be reasonably clean, it would be of great benefit to the surrounding natives. There is a good demand for ghee in the Union, and it can be produced very cheaply from the milk available from native-owned cattle.

The visit of one of our dairy inspectors might prove well worth while, or possibly the Officer-in-Charge of the District could obtain the necesary instructions from the Veterinary Department and do the work himself. The matter is being looked into.

Tshane.—At Tshane itself, apart from the small village, there is little beyond the buildings of the Police Post, a collection of four or five huts. These are better built than some official quarters in the Territory but are appallingly bare; there are

no gauze windows or doors with the result that they are full of flies and other insects, especially at meal times—fortunately there do not appear to be any mosquitoes there. There are no sheltering verandahs and consequently the heat in the huts is very great and there is no place in which to sit out; the few neighbouring trees are so full of tampans as to render their shelter a doubtful blessing.

I have arranged for the new Sub-Inspector to take some wire gauze out with him, and have suggested a cheap form of verandah round part of two of the huts, which could probably be erected by the Police.

Here I held two meetings, one with the Hottentot leaders from Kartlwe and another with headmen and others from the other surrounding tribes.

Hottentots.—The Hottentots in this part of the territory (who impressed me more favourably than any of the other tribes) are centred at Kartlwe, a small village about 14 miles west of the Police Post at Tshane. They came into the country in 1909 when the Government signed an agreement with them allowing them to settle on a piece of land four or five thousand square miles subject to certain conditions. I met their headman, Simon Kooper, a younger brother of the original Simon Kooper who led them into the territory and signed the agreement with the Government, and also various other tribal representatives at Tshane where they came in to greet me. I also visited Kartlwe

Their main grievance is the question of hunger, which of course arises out of lack of water. This naturally militates against their growing crops or raising cattle, and they are forced to live to a very large extent on the berries and roots to which I have referred elsewhere. Up to rather over two years ago they had been allowed to shoot game within certain limits, but they had then been restricted to one wildebeeste each. After listening to their arguments and hearing the views of the officer-in-charge of the district, I came to the conclusion that a case had been made out and accordingly acceded to their requests within the following limitations, namely, that they should be allowed to shoot wildebeeste, gemsbok, and springbok *for food purposes only* for a period of six months. If during that time the officer-in-charge of the district was satisfied that they were in fact shooting for food only, and that there was no question of an export trade of biltong (which would result in extermination of the game), the permission might then be extended; otherwise, it would be rescinded.

I also promised them that I would send them in common with the other villages around them, one of our agricultural native demonstrators to assist them with regard to raising certain food crops.

They urged that they should be allowed to remove to another district about a hundred miles north-west of Kartlwe near the border of South West Africa at the spot where the beacon is marked on the map, namely, between Okwe and Nojane. Their alleged reasons for desiring to move are that certain natives have sunk wells there and have found water and that there is good grazing there.

Whether this is the true reason or not I am not sure. It may be that they desire to move there owing to the proximity of the border and the absence of Police supervision and control which would facilitate smuggling and poaching; but it is certainly true that they are in piteous need of water and food. If our water-boring scheme had materialized we could of course have put down boreholes for them and enabled them to utilize the excellent grazing country in which they live. As it is, it seems difficult to refuse to do anything for them and, at the same time, to refuse to allow them to help themselves by moving to a more favourable locality. I told them that I would instruct the officer who is going to take over the district very shortly to proceed to Okwe, and to report to me as to the conditions there and generally as to the feasibility or otherwise of acceding to their request.

A further reason for their request was to get away from the Bakalahadi with whom they are having trouble. The day before I arrived there had been a fracas between the Bakalahadi and the Hottentots about six miles west of Kartlwe in the course of which a Mokalahadi had been shot and slightly wounded in the leg. According to the Hottentots this was purely in self-defence and was due to Bakalahadi, armed with axes and knobkerries, attempting by force to stop the Hottentots watering at a pan which was undoubtedly within the area granted them by the Government in 1909. I went out personally to endeavour to obtain a statement from the Bakalahadi concerned at the place where the trouble occurred but they had left this locality before we arrived, and we were consequently unable to pursue the matter at the time. It will, however, be taken up by the Officer Commanding the District.

I warned the Hottentots sternly against the use of firearms, and ordered that they should be taken away from the youths who had been concerned in the trouble.

I said that if there was the slightest repetition of this I should have to consider more drastic steps in regard to firearms.

I told them, however, that the new Sub-Inspector would inquire into the whole matter, taking evidence from both sides, and that justice would be done.

Shooting in remote districts of this kind might of course produce serious results.

Other Tribes at Tshane and District.—On the following morning I received a large deputation representative of Bakalahadi, Barolong and other tribes centred at Lehututu, Tshane, and Gukunsi, who had come in to pay their respects.

As in the case of the Hottentots they were extraordinarily pleased at our arrival as no Resident Commissioner had ever visited their district, a fact to which they adverted repeatedly.

Their grievances and requests were practically identical with those put forward by the Hottentots on the previous day which I have detailed fully in the preceding paragraphs.

I dealt with them on similar lines, and they seemed entirely satisfied.

It is significant that they also wished to move northwards into better watered country; some of them even wished to be allowed to move as far north as Ghanzi. Here again the same difficulty emerges of refusing to do anything to help them to get water and, at the same time, refusing to allow them to move to get water for themselves.

But in any case if there was any question of their moving either to Okwe or some other place more distant, it would be necessary to establish a Police Post owing to its proximity to the border and for other obvious reasons.

A number of the headmen from here and the neighbouring villages have been removed to Kanye for trial in connexion with a bad case of torture arising out of witchcraft. Apparently some unfortunate people had been accused of witchcraft as a result of the death of one of the members of the tribe, and by way of extracting confession from them they had been tied in a net, as is the local form of torture; the head being forced down between the knees and the victim twisted up in the net into the smallest possible compass. The net (which I have in my possession) is about 9 feet in circumference and after the man is put into it the ropes are tightened by the use of a stick to twist it up. Such torture, increased by taking place in the sun at its hottest, causes acute agony, rupture, passing of blood and unconsciousness, and unless the individual confesses and is released, it would result in death after a comparatively short period of a couple of hours. The persons concerned have since received sentences of from three to six months' hard labour.

As the sentence in this case was pronounced in Kgotla, it was necessary to arrest and try all the Council, and Sub-Inspector Moseley deserves great credit for his prompt and courageous action in effecting these arrests, and conveying the prisoners several hundred miles for trial, with the ridiculously small force at his disposal. And also for the skilful manner in which he was able to effect the difficult task of collecting the necessary evidence to bring the matter home to the culprits.

The lesson will I hope have a good effect in checking this abominable practice.

Gukunsi.—The usual small settlement amid the usual surroundings—with one marked difference.

The limestone rock is peculiar in its formation here, and in it the natives have sunk a number of wells in which at a depth of only 20 feet they get an excellent supply of water.

The result is that, at the instigation of the white trader here, they have been able to irrigate quite a fair-sized piece of land, on which they grow tobacco (which the trader buys) beans and mealies.

It is a striking example of what can be done with the most limited means, and as I have said it is due to the existence of water near the surface of good quality and in permanent quantity.

There is no doubt but that water could be found generally (it is found) at greater depths, and what is done at Gukunsi could be done elsewhere. But the natives alone cannot do it without help or guidance.

Lehututu.—This village though small is larger than the others in the district.

It is situated, as usual, at the edge of an exceedingly large dry smooth pan, the nature of the surface of which may be judged from the fact that we crossed it in our Armstrong-Siddeley at the rate of 60 miles an hour without bumping.

There were the usual primitive shallow wells in limestone at one corner of the pan, and the usual pathetic scenes of cattle waiting for their inadequate supplies of dirty water thrown out into muddy pools.

There is a good store here kept by Mr. Sharp of Kanye, and I considered it desirable to give him an order for a small distribution of food supplies as a present for the headmen and others who had come in to greet me here and at Tshane, &c.

Mr. Sharp has shown what can be done in the way of obtaining water in this country by putting down a well at his own store; here he obtains an ample and permanent supply of very excellent drinking water (which I tasted). What Mr. Sharp has done here could be done practically anywhere else in this district and the benefits would be incalculable.

Kartlwe.—This is the central settlement of the Hottentots and is rather larger than the others; the main features, however, are similar to those I have already described.

It was fortunate that Dr. Dyke was with the party on arrival here, as he was able to dress the wounds of a native who had been badly mauled by a leopard two days previously. The man will probably live.

As I have already stated I was more favourably impressed by the Hottentots than by the other tribes. Even so, however, their conditions of life are not much better than the average, and their huts, into which we penetrated, were as poor as most.

The best that can be said is that the others are probably rather worse off than they are.

Tsabon.—Here I met representatives of a number of different tribes as follows: Mathara, Hottentot, Damara, Bakalahadi and Barolong, who as elsewhere seemed exceedingly pleased at the fact that they had been visited for the first time by a Resident Commissioner.

I was, however, less impressed with the sincerity of these peoples' grievances than with those I had met at and around Lehututu. There has been a good deal of poaching over the border and a certain amount of smuggling of arms and ammunition. The population here, too, includes also a certain number of undesirables, refugees from across the border; the best of them were undoubtedly the Hottentots.

They put forward much the same grievances as elsewhere, but I did not feel justified in according them permission to shoot. I felt that in the absence of police supervision the result would certainly be game extermination and an export trade of biltong across the border. I told them therefore that until I was in a position to establish a police post at Tsabon I was unable to grant them the necessary permission. I consider that on this account alone a police post should be established here because it is a way by which we can assist the people to feed themselves; but in the absence of a police post there would be such indiscriminate slaughter that in a short while the position would be worse than before.

The other reasons for the establishment of a police post here are:—

(1) Desirability of preventing the running of guns and ammunition which is undoubtedly going on;

(2) Desirability of preventing poaching, about which the Union Government have already approached us and sought our co-operation; and

(3) The necessity for preventing the entry of diseased horses from the Kuruman district. We discovered at a store run by one Rasool, an Indian, nine miles from Tsabon, two mares which the owner asked us to look at. The Chief Veterinary Officer, being fortunately a member of the party, was able to diagnose the disease at once as that of doucine, a highly contagious, fatal and incurable disease. It had been brought in by a Dutch trader from Kuruman who despite the fact that a permit had been refused, ran a mob of horses across the border which have made their way to different parts of the territory. We were compelled to order the mares to be shot and also any other mares found to be suffering from this disease; and any diseased stallions were ordered to be castrated. It will of course be necessary to afford compensation of £1 or thereabouts to the people who declare diseased animals and which are destroyed by our orders, otherwise the illness will be concealed and will spread throughout the district. As it is we are practically powerless to prevent this importation across the border; the police patrol which we have in that district consisting of four or five natives under a European Non-Commissioned Officer, having a frontier of over 300 miles to cover.

On these four grounds it is in my view eminently desirable that a post should be established at Tsabon as soon as possible.

There is a very good type of trader here, a Mr. Brown, who has established a very good position in the district, is well liked by the natives, and is exceedingly helpful to the Administration.

In his ground he has sunk or allowed to be sunk over 20 wells which, at a depth of 40 feet, produce good and permanent water for general use, but as there is no other well within 30 miles the usual thing has happened and the veld all around is trampled out.

Tsabon itself is more attractive being better wooded than most places in the district, and is strategically very well suited for an administrative post and a settlement. The abundance of water is a great asset; it is found in red stone formation, which is characteristic of the neighbouring kopjes, unlike all the other pans which we had passed.

Return Journey.—From Tsabon we crossed the 16 miles to the frontier and returned via Kuruman and Vryburg.

At Kuruman we visited the original London Missionary Society Station founded by Livingstone and Moffat where we were most hospitably received.

Near Vryburg we passed the salt pan which is being developed by the Messrs. Fineham. They took this over some ten years ago and have made a flourishing concern of it, even exporting salt as far as the Rhodesias and the Congo from there. They will be prepared to undertake the development of the Makarikari Salt Pan if, and as soon as, the Walvis Bay Railway passes within reasonable distance thereof, *e.g.*, along the line of the survey now being undertaken. Of course, if they did this they would have a tremendous advantage in the Rhodesian and northern markets owing to their proximity. This might form a useful argument in connexion with the potential traffic across the proposed railway.

European Traders.—I was favourably impressed with the few white traders whom I met in the district. They appeared to be not merely dealing fairly and squarely with the natives but being really helpful to them. For example, it was reported to me that at times when the natives are hungry—which unfortunately is not infrequent—they let them have foodstuffs on credit although knowing quite well that they cannot sue them for it, and that in many cases of course they will not be repaid. They also lend them money to pay their hut tax which is a real advantage at times when the native has nothing wherewith to pay. It is an obvious help to the native, it is a help to the trader inasmuch as it maintains good relations with the people, and it is a great help to the Administration who would otherwise have to prosecute the native or go without the hut tax. The officer-in-charge of the district indeed informed me—and the truth of his remark was obvious—that there is no money in the district at all other than that brought in by the traders. He brings in money wherewith to buy skins and native produce, and with that money enables the native to pay his hut tax which otherwise he would be unable to do. The striking necessity of combining European enterprise with native industry in the interests of the native and of the Administration was thus aptly illustrated. The Sub-Inspector also reported to me that he received much help from the traders in the way of information as to current events and trend of feeling—a form of assistance which is invaluable in an enormous area such as this where it is difficult to keep in personal touch with the population.

Education.—I confess I was astonished to find on my return when going through the Native Fund Estimates that we paid a sum of something over £200 in respect of five teachers at three schools in the Lehututu District, namely, at Tshane, Lehututu and Gukunsi. I was unable to see any school buildings at two of these places, and the only teacher I came across was one Isaac, a London Missionary Society teacher at Lehututu, who came to Tshane to interpret for me. There was certainly a building which was referred to as a church at Tshane—a dilapidated shed—but I understood that the only use that was made of it was for the less desirable members of the tribe, who described themselves as "deacons" to meet there and palaver. I have asked the new officer-in-charge of the district to go into this matter and to report to me.

Another point which appears to require investigation is the collection of a church levy by the London Missionary Society at Tsabon. There is no school there and no missionary but once a year a native comes over from the Mission at Kuruman and collects taxes (from the men 10s. and from the women 5s.) and holds a service. It would appear to be rather an expensive service for the natives as it would appear to be the only return they get for their money. They have much difficulty in meeting this tax as well as the hut tax, and as I have already stated the benefits they receive in return are not obvious

The Hottentots, Bakalahadi and Batlhari at Tsabon recently approached the District Officer and asked him if they could have a Government undenominational school jointly for the three tribes at Tsabon. They were told that if they would as a guarantee of good faith put up the buildings themselves, we would see what we could do as to a teacher. They are not, however, likely to develop the necessary energy to do this unless inspired by one of our officers. And I confess that attempts to fill their heads when their stomachs are empty would appear to be putting the cart before the horse.

Administration.—In conclusion I desire to pay a tribute to Sub-Inspector Moseley and to Sergeant Fox and to the officers who have preceded them in the charge of this district. It is obvious to the most superficial observer that they must have carried out their difficult and onerous duties with sympathy and understanding for the attitude of the natives towards them is one of marked trust and respect. To carry on peacefully the administration of a district of this magnitude with the slender resources at their disposal, to be able to collect from such poor people such a comparatively large sum as £1,200 in hut tax while giving so little in return, and to be able to repress without the use of force or violence practices which though abhorrent to us are natural to these primitive peoples, are eloquent tributes to the position these officers have made for themselves. And I was also impressed by the efficiency and smartness of the little detachment of nine native troopers who constitute the whole available police force of the district, a great part of whose duties consist in long and lonely patrols on camels through the Kalahari.

The presence of Dr. Dyke and of Mr. Chase was of much help to me in understanding and dealing with the problems which fall within the respective spheres of duty of these two very efficient officers. Their presence, moreover, was extremely beneficial and produced an admirable impression on the natives who had not previously been visited by one of our Medical Officers nor by a Veternary Officer for 15 years. They were able to assist the natives by helpful advice and instruction.

C. P. REY,
Resident Commissioner.

28th March, 1931.

F 20261 [8].

No. 116.

REPORT ON RESIDENT COMMISSIONER'S TOUR OF CERTAIN DISTRICTS OF THE BECHUANALAND PROTECTORATE, 4TH JUNE—3RD JULY, 1931.

(Copy received in Dominions Office, 10th August, 1931, under cover of High Commissioner's despatch No. 389 of 24th July, 1931.)

LOBATSI.

4th June.—I attended a meeting of the Farmers' Association in the morning and dealt with a number of points which were raised by them, of which the principal were as follows:—

(1) The establishment of a fire path to protect them from fires coming over mainly from the Transvaal, but also from the Bangwaketsi and Bamalete Reserves.
(2) The postponement of repayment of loans by farmers in view of the general depression, and the special difficulties caused by the embargo owing to the foot-and-mouth disease
(3) The acquisition of police dogs for the Protectorate.
(4) The connexion of the Athlone Hospital to the Post Office by telephone.

A separate note (Appendix A)* dealing with these points and of other matters raised at the meeting is attached.

During the Farmers' Meeting Mrs. Rey held a meeting of parents and teachers with reference to the inauguration of the Girl Guide Movement, which was attended with satisfactory results.

In the afternoon I visited the Hospital in regard to which a number of detailed points arose. The excellent work done by the hospital is hampered in various ways by difficulties which could be met without very great expense. A detailed note as to these matters is attached (Appendix B).*

* Not printed.

Later in the afternoon I visited the Cold Storage depot. They have there installed a new pasteurizing plant for the treatment of cream, of the very latest and most modern type; there is no other such plant in South Africa, save the one at Nelsrust. This should prove of marked advantage in connexion with the quality of butter produced there. It was gratifying to learn that the biggest cream producer in the Protectorate—and one of the biggest cream producers of South Africa, namely, Mr. Jousse, of the Tuli Block, who had previously sent his cream to the Mafeking creamery, having been compelled by the foot-and-mouth disease embargo to send it to Lobatsi, was so satisfied with his treatment there that he had decided to send it there permanently.

It was also satisfactory to learn that no less than 88,000 lb. of butter had been made during May, and that 15,000 lb. had been exported to Elizabethville.

Mr. Masters, the very able and sympathetic manager, was good enough to give me some notes which might assist in the improvement of the quality of native cream sent to the creamery (copy attached—Appendix C).*

5th June.—In the morning accompanied by Mrs. Rey, I visited the Lobatsi, Hildavale and Pitsani European schools, where Mrs. Rey was able to explain further the question of the Girl Guide Movement.

The school at Lobatsi was extremely poor from every point of view, and I was very far from being impressed either by the building or the pupils, though the teachers seemed to be doing their best.

At Hildavale the school building is one of the worst I have ever seen, it was in a deplorable condition. The children, on the other hand, seemed more promising, and the teachers were of a higher standard.

At Pitsani the school building, though small, was quite good and the teacher excellent. Some good craft work has been produced there, and though there are few pupils, as a whole the undertaking produced a good impression.

We next visited the native school on the Barolong Farms, where 47 pupils out of 52 on the roll were present. This school was far better from every point of view than any of the European ones. The building was excellent, though it needs a ceiling. The school is encouraged by Chief Letlamoreng of the Barolong, and his wife is one of the teachers there. Altogether few criticisms could be made from any point of view.

Later, I inspected the bull camp which we have recently erected. It is in an excellent position and affords ample space and good grazing. The pump which we have put up should give an ample supply of water, and is of a good, strong and simple type. The laziness of the people was exemplified by the fact that the only criticism that they had to make was that they should be supplied with a windmill pump so that they would not have the trouble of pumping by hand.

Finally, I inspected the camp and the recently purchased batch of police horses. The buildings on the whole compare favourably with others in the Protectorate. The additions which have recently been made to the Residency have resulted in providing quite a passable house for the magistrate of the district.

6th June.—In the morning Mrs. Rey opened the Bazaar in aid of the Church Railway Mission and of a church building for Lobatsi. In spite of the prevailing depression it was satisfactory to state that the sales reached the record figure of over £80, a sum considerably in excess of the sales realized at the three previous bazaars. I was able to take the opportunity of discussing many points with individual farmers and of settling various minor difficulties.

I inspected the Post Office at Lobatsi, an excellent building which we have put up; very well managed by the Postmaster, an efficient official.

7th June.—I visited the Roman Catholic Mission which has recently been established at Lobatsi; an excellent building, in a very good site. The Mission having only recently been established, have not had time to do very much, but they seem to be proceeding on sound lines.

After further interviews with officials and others we proceeded to Kanye by car.

KANYE.

8th June.—Soon after daybreak a "lecholo" meeting was held which had been arranged by Chief Bathoen, and I subsequently attended a Kgotla meeting, at which a very large proportion of the Tribe were present. For the first time since his removal, Headman Gobuaman (of the Bakgatla Tribe from Moshups) was present. No very important points were raised, but the whole atmosphere was very pleasant and satisfactory.

In the afternoon I inspected the school, which is an excellent one. The building is good, the standard of the teachers high, and the children seem to be making satis-

* Not printed.

factory progress. In particular, they are doing excellent craft-work; carpentry, pottery, basket-work, and making boots and shoes. At this school as at other native schools we visited, Mrs. Rey spoke to the teachers in regard to the encouragement of Wayfarer and Pathfinder Movements amongst the native children.

In the afternoon also the Resident Magistrate invited all the Europeans of Kanye to meet us, and afterwards I had an interview with Mr. Lewis, of the London Missionary Society, in connexion with various matters including the bogwers and boyale movements, concerning which I have already reported to the High Commissioner.

9th June.—I interviewed those headmen of the Bakalahari who are now serving their sentences at Kanye in connexion with the torture and witchcraft case which occurred recently at Lehututu, concerning which I have already reported to the High Commissioner. They were anxious that one of their number, Mosiwa, should be appointed as general headman of the Bakalahari in Lehututu and District. Both the officers in charge at Lehututu and the Magistrate, Mr. Cuzen, were strongly in favour of this, as it would facilitate the administration in general and the collection of hut tax in particular. The person who it was desired to appoint, Mosiwa, was unanimously agreed by all of them as the rightful man in view of his descent from their original Chief, and subject to some further local inquiries to substantiate the unanimity of the wish of the people there, I propose to agree to their request.

I also interviewed Kgabosetso, the acting headman of Moshupa and two headmen who desired to urge that Gobuaman should be allowed to return to Moshupa from Kanye.

I told them again, as I had told them repeatedly before, that the Chief had ordered Gobuaman to come in owing to his untractable behaviour, and that the Government had supported the Chief in his order. I told them that if Gobuaman wished to return to Moshupa his proper course was to appeal to the Chief whom he had ignored and otherwise treated with marked disrespect ever since his arrival at Kanye. I told them that until he had approached the Chief we would not move.

I then visited Mr. Rowlands' asbestos mine, where he has done some very interesting prospecting work. The quality of asbestos he produces is first grade, and he was readily selling at a good price what he had obtained within the limits imposed on him. Unfortunately, the selling has been entirely stopped by Russian dumping under the five years' plan. Two hundred natives could be employed here.

The provision of a telephone service from Lobatsi to Kanye is an urgent necessity. Several of the traders and the Chief are anxious to have it, and the Chief is prepared to supply the poles. I think it is possible to obtain the necessary number of subscribers to warrant the Post Office in putting it up, and I have given instructions for this matter to be pursued. It costs over £3 to send an urgent message out to Kanye from Lobatsi. Administration would, moreover, be very much simplified if this could be done.

I inspected the camp and buildings at Kanye. I have caused certain additions to be made here recently, which meet the most urgent requirements, but all the buildings including the Residency are rather small and cramped.

Moshupa

10th June.—We proceeded by car to Molepolole, stopping at Moshupa on the way. Here I inspected the school which seemed very well run; the building was good and though the accommodation was not ample for the large numbers on the roll, there was little else to criticise. I was unable to inspect the second school as the children had left.

Molepolole.

11th June.—I have already made a full report as to the happenings at Molepolole in regard to the removal of Chief Sebele and the election by the Tribe of Kgari Sechele to be Acting Chief. It is consequently unnecessary to deal further with that matter.

12th June.—A number of matters were dealt with. We inspected three schools. The European school was very poor from every point of view; the building was in a shocking state, the roof was leaking; the children of a poor type, their standard being very low; and I was not impressed at all with the teacher, Mr. de Villiers. There were about 19 children in all.

Both native schools were very much better. The first one I saw had been established by the London Missionary Society and was very good; the children, about 200 in number, were all arranged in separate classes, neatly and cleanly dressed in the simple school uniform; the building was good and spacious. They were doing good craft-work, pottery, stone-work, bead and basket work, and their rendering of native songs was really excellent.

104

The native school established by the Church of England was also good, though on a smaller scale; 50 being in attendance. The building is used both as a church and as a school. The rendering of native songs here was also very much above the average.

Subsequently I had lengthy interviews with the Chief and his advisers, including Marthinus Seboni, the very efficient chief hut tax collector of the district.

In the afternoon the Magistrate had invited all the Europeans in the district to meet us.

There was one problem which is particularly unfortunate in this district, namely, the question of "poor whites." I met a number of them and their condition is really pathetic. They are, as is usual here, mostly blacksmiths, and there are far too many of them for the amount of work offering. They drag out a miserable existence, living little better than the natives, and all of them begged me to endeavour to find employment for them, a remedy which unfortunately it is not possible to supply.

Another matter which needs attention here is the provision of a telephone from Gaberones. An urgent message from Gaberones to Molepolole has to be sent out by car at a cost of £3 10s., otherwise the district is quite isolated and, as we realized recently in connexion with the Sebele trouble, this is a matter of the greatest possible inconvenience and expense. I think it would be possible to collect sufficient subscribers to induce the Post Office to put up a line, especially if the tribe would, as appears likely, supply the poles. I have asked the Magistrate to look into this matter.

Dams near the town are badly needed. There are four sites where dams could be provided at small cost, and I have asked the Magistrate to report on this question.

Instruction in the method of preparation of hides for market, and also as regards native creameries is badly wanted here; this is the most backward of the Reserves, and I have asked the Chief Veterinary Officer and the Dairy Expert to look into this matter.

The provision on the Estimates for education in this district is most unsatisfactory. There are ten schools in the district, and up till now £80 a year has been provided for material, equipment, &c., for these ten schools. In view of the desirability of assisting them, especially in regard to craft and manual work, the Magistrate asked for £20 extra for this year. The Estimates only provide for £20 in all. This will have to be remedied, otherwise it means shutting down schools or letting them run on in an inferior way.

I inspected the camp here, and all the buildings which, apart from minor requirements, are not unsatisfactory.

Gaberones.

13th June.—I arrived at Gaberones in the morning and met the Batlokwa Tribe in Kgotla. The meeting was exceedingly well attended, and was very satisfactory from every point of view. The village is well built on the whole, and includes some quite good huts.

I interviewed the old Chief Gaberone, whose age is stated to be in the neighbourhood of 110, and though quite blind and unable to stand, I found him in possession of his senses—a very courteous and dignified native of the old stamp.

The one and only demand of the Tribe was that they might be allowed to stay on their Reserve and not be moved on the death of their old Chief.

I inspected the school which was by no means satisfactory; the building is far too small to contain the 140 children who go there. For this number there are two benches, with a result that nearly all have to sit on the mud floor, and the dust in winter and the mud in summer render the atmosphere thoroughly unwholesome. The head teacher possesses some knowledge of carpentry, and I suggested that he should teach the children to make forms and benches as has been done at Mochudi; he readily undertook to do this. Unless some repairs are made to the building it will soon be dangerous. One of the main walls is cracking. I understand that the local contractor would put it in thorough repair for about £40.

We then visited the Roman Catholic Mission at Khale, an admirably equipped institution in delightful surroundings. The fathers here are doing excellent work. They have just imported some very fine Swiss bulls for the improvement of local cattle, and are teaching agriculture and irrigation. There are also several sisters stationed there, one of whom does nursing, which should prove very helpful in the district.

In the afternoon I interviewed a number of officials and others, and inspected the camp. On the whole, the buildings here are not unsatisfactory, with the exception of the Residency, which is over-run with white ants—their ravages are causing a

good deal of dilapidation It is not occupied at present as the Resident Magistrate is on sick leave.

14th June.—I visited the farm of Mr. Glover, the local representative on the European Advisory Council. He has some very fine cattle and small stock, and has done good work in cattle improvement. He is a very sound and practical farmer, and it is at least worthy of consideration that we might establish the experimental grass station at Gaberones and utilize Mr. Glover's services as part-time in connexion therewith. On this rather large subject I am submitting a separate report.

In the afternoon we left for Mochudi.

Mochudi.

15th June.—On arrival I was presented by the Chief with a white ox, a very special mark of courtesy according to ancient Seewana custom. The Kgotla meeting in the morning was very fully attended. The Chief had provided a guard of honour, several of whom wore their medals for their service in France. I attach copy of the address of welcome* from the Chief which, as will be seen, was couched in exceptionally friendly terms. Ex-Chief Isang also spoke very cordially.

I then visited the school which has been built by the Tribe, which is, without exception, the finest school from every point of view in the Territory. It is situated in a magnificent position at the top of a high kopje, and is extremely well built and equipped. All the forms and benches have been made by the pupils, and some of the other furniture as well. There are separate classrooms for the different standards, and the level of the teachers is extremely high. The new head teacher, a native who has been appointed in place of the late Dutch teacher, Mr. Steenama, shows much promise. He is an intelligent and well-educated man, and seems generally well equipped as a teacher. The craft-work here is admirable, quite the best in the Protectorate, and is typical of this very progressive Tribe, which under the able guidance of ex-Chief Isang has established itself as the premier tribe of the Protectorate. The rendering of native songs was particularly good, and the reception accorded to Mrs Rey's remarks regarding the establishment of Pathfinders and Wayfarers made it clear that this movement would probably be as successful as are other progressive ideas in this Reserve.

In the afternoon we visited a number of huts in the village, including those of the Chief, ex-Chief Isang and his brother, and of the daughter of Lenchwe, the late Chief. The huts in this village are really good; large, clean and airy and artistically decorated. The Chief is gradually arranging for the removal of the people from the old part of the village to the newer part where the good huts have been built, and which is more sanitary. Unfortunately they have had an accident to their water supply and there has been an outbreak of anthrax amongst some of their sheep. I accordingly telegraphed for the Government Engineer and the Chief Veterinary Officer to report on the matter.

In the afternoon, Mrs. and Rev. J. Reyneke, the Dutch Reformed Church missionary here, invited all the local Europeans to meet us. It is impossible to speak too highly of the admirable influence exercised by Mr. and Mrs. Reyneke. He is most helpful to the Administration and exercises an admirable influence on the Chief and people; indeed, in certain respects he is fulfilling the functions of resident magistrate, and I should like to record my deep appreciation of his assistance.

Before leaving Mochudi, I inspected the junior school, which is also very well run. The building is, of course, not on a par with the main building to which I have referred and needs extension. Plans for this purpose are being prepared The teachers here are also quite good.

Tuli Block.

16th June.—We proceeded by car to the Tuli Block, a run of nearly 100 miles, and arrived in the evening at Mr. Weatherilt's, the senior member of the European Advisory Council.

17th and 18th June.—Mr. Weatherilt is probably the largest landowner in the Territory. His farm at Palla, at which we stayed, covers some 18,000 morgen. Further north in the Tuli Block he owns another farm, "Ellington," of 10,000 morgen He has a farm at Lobatsi of 4,000 morgen and a large one still at Ghanzi, of some 15,000 morgen.

Mr. Weatherilt's speciality is cattle breeding, and he has some really magnificent cattle, by far the best in the Territory. The bunch that he had got together for the shipment to England, which was stopped by the foot-and-mouth disease outbreak

* Not printed

averaged over 1,600 lb. in weight, and like his other beasts, were in splendid condition. He has also a herd of pedigree cattle, and a stock of other herds of oxen and heifers.

I inspected the police camp at Palla, which is on Mr. Weatherilt's farm. It is on the historical site below the junction of the Notwani and Limpopo Rivers, the great crossing place of 30 years ago into the Transvaal, when customs posts existed on both sides of the river, and a telegraph line ran all the way to Pretoria. It is now completely abandoned since the advent of the railway, except for our police camp. The camp was in a deplorable condition. It consists of one rondavel, which is used as office and sleeping room for the police, and one hut of which half the wall has fallen down; this latter is used as a store for grain because the iron grain container is rusted through. Material for a new house has been lying there since January owing to difficulty with the contractor as regards burning the bricks to complete it. It is a question whether this camp ought not to be shut down altogether, but if not, steps must certainly be taken to put it in a proper condition. At the present moment it is an eyesore and a disgrace I am dealing with this matter separately.

19th and 20th June.—I visited the Hon. John Stuart's ranch, situated some 4 or 5 miles from Mr. Weatherilt's. His house is by far the best in the Territory, indeed, with the exception of Mr. Macleod's at Tsessebe it is the only one I have seen with any pretensions to modern comfort. It is delightfully situated on the top of a hill with a magnificent view over the surrounding country.

From here we proceeded to Mr. Jousse's ranch at Dikgatlon. Mr. Jousse is the most progressive dairy farmer in the Territory and he is the largest cream producer, indeed, he is probably one of the largest cream producers in South Africa. His dairy herd on this farm consists of about 1,200 beasts (grade Frieslanders), but he has 800 more at another farm further along the block at Machenemg. I recently granted Mr. Jousse a loan for the purpose of installing an electrically driven mechanical milking plant and cold storage room. This has just been completed and I was fortunate enough to see it in operation—the only one in the territory. It is a very remarkable installation, consisting of eight units capable of dealing with sixteen cows, saving a great deal of labour, making for vastly increased cleanliness of milking, and saving the animals themselves, inasmuch as the mechanical milker is far more gentle in its action than the hand milking of the natives. The plant is the patent of the Alfa Laval Company, a Swedish concern, including the cream separating machinery and the cooling machinery and the refrigerating room. His herd consists of Friesland cattle. It is most unfortunate that owing to the "weight" embargo on our cattle there is no market for the bull calves and consequently they are slaughtered when two or three days old; about 50 per cent. of his output of beasts. These cattle would be snapped up immediately by the Transvaal farmers over the border if they were allowed to import them, because they are all grade cattle, well acclimatized and most suitable to this country; even as calves there would be a great demand for them, and it is lamentable that they should be all wasted owing to the artificial and unjustifiable restriction imposed on us by the Union Government.

I have stated elsewhere in this report that Mr. Jousse is now sending all his cream to Lobatsi instead of to Mafeking as formerly, and intends to continue to do so in spite of the removal of the embargo. I visited the various herds on the ranch, and discussed various problems with Mr. Jousse.

It is unfortunate that Mr. Jousse's mentality results in his being practically boycotted by the other farmers in the district. He was formerly on bad terms also with the Administration, but I have succeeded in establishing very friendly relations with him, and I hope to turn this to good account in developing the dairy industry in that district.

An interesting feature of Mr. Jousse's operations is that, apart from himself and his son, he employs no Europeans for the control of his herds or his dairy operations. He has trained natives to work the mechanical milking plant and they have shown themselves exceedingly apt pupils. I watched them working it with skill and rapidity; and this gives another proof, if proof were necessary, that given the necessary instruction the natives here could be taught to do almost anything quite rapidly. This emphasizes the desirability which I have frequently pointed out of extending our operations in the field of agricultural demonstrators, creamery instructors and manual labour generally. I found a further example of this on Mr. Jousse's ranch: he had taught his native headmen how to run and repair pumping machinery, and one headman had on his own land erected himself a large pendulum pump and reservoir; he had obtained the iron bars, cut them, drilled them, and bolted them together for this purpose, and the pump was operating perfectly well.

Mahalapye.

21st and 22nd June.—We proceeded to Mahalapye where I attended a meeting of the Tuli Block Farmers in the morning. They presented me with a long memorandum, a copy of which is attached,* embodying a number of contentious points. I am dealing with this matter separately.

In the afternoon, I inspected the European school, which is in a very unsatisfactory position. It is built on railway land and is in a shocking condition. To repair it would cost a good deal of money and, being built on railway land, the school committee are, rightly in my view, averse from doing this. They have, however, not enough money to build another, and were anxious to know whether we would advance them the money, they undertaking to repay it within a given number of years. They wish to build not merely a suitable school but one which could be used for meetings, dances, &c., whereby they would expect to obtain additional revenue for running the school. I went into the matter and, on the face of it, it seemed a practicable and sensible suggestion. I am obtaining further details and shall be submitting proposals later.

Later, I interviewed the traders of Mahalapye, who raised various points, *inter alia*, two of them had obtained a contract for selling cattle to a representative of Mr. Bongola-Smith. This was a satisfactory indication, as I had been hoping for some time that this very wealthy dealer would operate in the territory. Being, however, on exceedingly bad relations with the Imperial Cold Storage Company, there were various obvious difficulties. The traders wished for facilities to help them in their contract, as regards which they were limited as to time and cattle, and I was able to make the necessary arrangements to facilitate this.

Later, Mr. and Mrs. England invited the European residents to meet us, and opportunity offered for discussion of a number of points with individuals.

Serowe.

23rd June.—We proceeded to Serowe by car, and on arrival there were met by a mounted escort of Bamangwato.

As a result of interviewing various traders, I discovered that a very unfortunate position existed between them and Chief Tshekedi. Apparently he is indebted to traders for sums which are estimated to amount to over £2,000, and he shows no indication whatever of paying them, which, in these depressed times, is a serious matter for them. They are unable to sue him owing to the Proclamation regarding credit to natives; even if they were not thus debarred, they would not take him into court because they only hold their trading sites by his favour, and if any of them displease him he can bring their operations to a standstill at once, as has been done in the past. Moreover, they cannot very well refuse to give him credit for the same reason, and they thus find themselves between Scylla and Charybdis. This is an extremely unsatisfactory state of affairs, and one which calls for some remedy. One trader to whom Tshekedi was indebted for a large sum of money for petrol has, in order to save himself, given up selling petrol.

I told them that their best course would be to lay their claims before the Serowe Chamber of Commerce which could then, as a joint body, representing all traders, ask the Government to assist them by their good offices, without mentioning the names of individuals; and I said that if they would do this I would speak privately to Tshekedi.

I am afraid that his financial position is far from good. It is true that he does not spend his money on debauchery, but he spends it very freely in other ways. For example, he has recently bought himself a house at a cost of nearly £1,000; he has four motor cars, a considerable number of well-bred horses, and generally behaves as if he had a considerably larger income than is the case.

24th June.—I met the tribe in Kgotla, Edirilwe being Acting Chief in the absence of Tshekedi in the north. The meeting was a very pleasant and satisfactory one; indeed, the general atmosphere at all the native meetings I attended showed a marked improvement over that obtaining twelve months ago—a very satisfactory feature. No points of importance were raised, but a number of questions affecting the Tribe were discussed.

In the afternoon I visited the old native hospital, which we had contemplated using as the out-patients' department. It is close to the dispenser's house. Both are in a dreadful condition, the native hospital so much so that it cannot be used at all: the dispenser's house is simply dropping to pieces. The house and native hospital are three miles from our own new hospital, and we have to pay an allowance to our medical officer of £50 a year in respect of motor mileage to and from the two places. He has to make anything from one to four visits a day. The dispenser is, moreover, tied up at his dispensary, whereas he might be doing good and useful work at the

* Not printed.

hospital as well as dispensing if he were on the spot. His house is not ours, and we pay £60 a year rent for it. The whole arrangement is very unsatisfactory, resulting in waste of time and money and loss of efficiency. The capital sum represented by the annual outlay at 6 per cent. is over £1,800, and for this sum we could provide a dispenser and dispenser's quarters in the hospital grounds, saving the annual outlay of £110 and gaining greatly in efficiency. I propose to discuss with the Principal Medical Officer and Government Engineer the feasibility and cost of such an arrangement which is badly needed.

Later in the afternoon the Magistrate, Captain Potts, invited the European inhabitants, of whom there are a large number, to meet us at the Residency.

25th June.—In the morning I inspected the new water supply and pump house, the new post office, the London Missionary Society School, which we have taken over, the Khama Memorial School, the Hospital, and the dam in course of construction.

The pump house and water supply that we have just erected promises to be of great value. The borehole gives us about 18,000 gallons, and from this the pump feeds twelve stand-pipes at which 500 women an hour can fill their pots with water—a long overdue and sadly wanted need of Serowe—the provision of which has been delayed with dissensions between the Administration and the Chief.

The new post office, which is also a telephone exchange, is an excellent little building, and even includes an outside telephone booth, the only one I believe of its kind in the territory with the exception of Lobatsi.

I was not so favourably impressed with the London Missionary Society school. There are 690 children on the roll, the average attendance being about 500. It consists of one very large room and another good-sized room, but the effect of this large number of children in one room is bewildering, and I should imagine it would be impossible for them to do justice to their work. I do not approve of the line of instruction; there is practically no handicraft work and too much religious instruction and hymn singing. I think education here is proceeding on unsound lines.

The floor of the building is of mud: dusty in the winter and dirty in the summer. Unfortunately, owing to the size of the building, I understand, that a new floor would cost about £130, finance for which is not at present available.

The Khama Memorial School, which is the only school in the territory which we have not taken over under our new scheme, is a good building, though it suffers from the same defect as the other, consisting as it does of one very large room and two or three small ones; it would be better if it were divided by sliding partitions. I did not see the children at this school as they were on holiday. I understand that they are gradually drifting from this school to the other, one of the reasons probably being that the teachers do not take much interest in them as they do not receive their salaries regularly from Tshekedi.

The Hospital does not compare favourably with the Athlone Hospital at Lobatsi in several respects. For some reason, which I do not yet quite understand, the Europeans do not patronize it to any extent, as they are inclined to regard it as a purely native hospital, which is, of course, not the case. Possibly, it is due to the fact that it is not on the railway line. I am discussing the general question of this hospital with the Principal Medical Officer.

The new dam which is being constructed should be of immense value to the Tribe. It is being built across the river, and should hold up between 10 and 15 million gallons of water. Like the water supply in Serowe itself, this dam, which is of course mainly for cattle, has been badly delayed, and I was only able to get the matter settled recently. It must, however, be completed before the rains start, say, by September, and should then be the finest thing of its kind in the Territory. It is badly needed.

In the afternoon I interviewed a number of individual traders as regards their difficulties and grievances. One of the burning questions in this district is that of trading licences which presents many features of difficulty owing to its being a native reserve, for one thing, and owing to the shrinkage of Serowe for another. Some years ago the population of Serowe was very much greater than it is now, and so consequently was the volume of trade; there were then only five or six stores; now there are eleven to do less business between them. The people are leaving Serowe and going out into the surrounding country, which though in itself a very good thing, is a sign of the weakening of the Chief's influence. This causes a demand for licences in the outside territory which the people at Serowe resist. The question is one which needs careful handling.

Palapye Road.

26th June.—My departure from Serowe on this day was delayed by the receipt of a letter from Acting Chief Edirilwe complaining of the activities of the Ballinger-

Hodgson party and particularly of their action in taking with them that notorious person Monoaphuti. He told me that they proposed too to take him to the Makalaka District (Mzwasi's country) and that he feared if they did so this would revive the trouble there has been between the Makalaka and Bamangwato, and would cause him serious difficulties. He said his people were very restless about it. I accordingly sent a note to Mr. Ballinger informing him that I could not agree to his taking Monoaphuti to the Makalaka country, and that unless he gave me an undertaking not to do so I should be compelled to cut short the stay of himself and his party in the Territory. I considered this was very necessary inasmuch as the three Ratshosa brothers were together in Francistown (the date of their order of banishment was the 7th July) and I feared that a combination of the Ratshosas with Monoaphuti, Radiladi and other disaffected persons under the ægis of the Ballinger party could not fail to have unfortunate results. I then proceeded to Palapye where I met Mr. Ballinger and his companions and received the necessary assurances from them.

Accompanied by the Resident Magistrate and the Acting Chief Veterinary Officer I then proceeded along the Palapye-Lotsani portion of the Cordon. I had inspected the Serowe-Palapye portion on the way down. The organization of this Cordon is as follows: it is divided into three sections: for twenty miles on either side of Serowe Special Constable Captain Adams is in charge, from sixteen miles west to twenty-four miles east Mr. Knott was in charge and the remaining 56 miles to the Tuli Block are in charge of Special Constable Mr. Clark. Under them are distributed some thirty Bamangwato auxiliaries supplied by Chief Tshekedi and ten police stationed in ten camps along the road. From each of these camps patrols pass along the road until they meet the patrol from the next camp when they return to their different sections, all the road thus being patrolled twice a day, and superintending officers travel along the lines at irregular intervals. On the whole the arrangements were working satisfactorily, but I consider it advisable to station regular police and a Non-commissioned Officer in charge of the central section, and I have accordingly replaced Mr. Knott by Sergeant Campbell. All three sections are under the general supervision of Mr. Mangan, the Acting Assistant Resident Magistrate at Palapye Road.

We have thus amply fulfilled our undertaking towards the Union Government and have established a system which is in actual working order and which is more efficient than anything that they have done.

The watering requirements of the cattle posts—European and native—along the line of the Lotsani River are amply met by a system of permits which I find to be operating satisfactorily.

The Camp at Palapye Road is now in a satisfactory state. Here I have been able to erect one of the model houses which I designed for Protectorate officers. It is a great improvement on anything else of the kind in the Territory, and is much appreciated by the officer occupying it.

Palapye Road to Francistown.

27th June.—We proceeded by car to Francistown, a distance of 112 miles, the road on the whole being quite good. It crosses, however, a number of deep heavy sand drifts, and it is a matter of importance to traffic in the Protectorate that these should be concreted both to facilitate passage through the heavy sand in the dry season and through the mud and water in the rainy season. At times these drifts are quite impassable for several days at a stretch, and at any time they are difficult to get through. In particular the Shashi Drift is an exceptionally difficult obstacle to traffic. The proper course would naturally be the erection of a low-level causeway as has been done across the Notwani, and I am including such proposal in my revised and reduced road works which I trust may be the subject of application to the Colonial Development Advisory Committee.

In the meanwhile I am exploring the possibility of an improvised track made of fencing standards and wire which can be constructed rapidly and cheaply: such a track has been made by one of the farmers (Mr. Jousse) on a drift across the Mahalapye River on his ranch, and it seemed practical, simple and satisfactory.

I inspected the Shashi Police Post, which is quite a good camp. There are three good huts for the European Non-commissioned Officer for use as bedroom, living-room and office respectively, and a separate building for kitchen, bathroom and prison. The Non-commissioned Officer is at present away on the Cordon, but the Native Police seemed to be carrying on satisfactorily and there was no fault to find.

Francistown.

28th June.—In the morning I had an interview with Mr. Ballinger and his party prior to their departure from the Territory.

Subsequently we visited Mr. Gordon's prospecting camp at the junction of the Tati and Sekukwe Rivers. Mr. Gordon is the manager of the Tati Concessions Company and is undertaking the thorough prospecting of part of the district. I saw specimens of various minerals including one specimen of quartz containing visible free gold. Mr. Gordon had also collected a large number of ancient worked flints, arrow-heads, cutting implements, &c., which are of great interest—some of them being obviously palæolithic and neolithic. Who were the people who used these implements which were extremely good specimens of the stone age craft? It does not appear to be known. I also inspected two large herds of cattle belonging to the Tati Company, one Friesland and the other Afrikander. The bulk of these cattle were over embargo weight, and it is imperative that they should be exported at no distant date if the company is not to suffer heavy losses. I have discussed with Mr. Gordon the question of the cattle embargo and the embargo on cream cans and egg boxes. I will deal with these matters later on.

29th June.—With the Magistrate, Acting Chief Veterinary Officer Hay and Veterinary Officer Holmes I inspected the Rhodesian Quarantine Cordon by car. I have no hesitation in saying that the clearing of this Cordon has been a really remarkable piece of work. Along the whole length of the Tati Concession a strip varying from a minimum of five miles to as much as twenty miles has been absolutely cleared of cattle and whole native villages have been evacuated. Along the whole of this strip the only living animals I met were one dog and one mongoose. Nearly 10,000 head of cattle and as much small stock have been moved back—a vastly more difficult proposition in a district cut into farms and ranches than in a native reserve. Grazing and watering arrangements had to be improvised at the back of the line and rights of existing people, European and native, safeguarded. This work reflects the greatest possible credit on the Veterinary Officers and on Dairy Inspector England, who organized and directed the work, and on the settlers and farmers who fell in with it. It represents an area impassable to cattle along the Tati River, which is a far more effectual safeguard than anything attempted in the Union in view of the thoroughness with which it has been carried out. The line is patrolled by European and Native Police, and is thoroughly effective and efficient. Along the Bamangwato front the cattle have been moved back from the frontier nearly twenty miles. The reason for this is that it was impossible to move them back merely five miles owing to lack of water, and they have practically all gone back to Macloutsie River. In point of fact this was the easier proposition inasmuch as there was not much in the way of cattle grazing along this front, which is dense bush in many places. Here again we have a thorough and effective barrier against any entrance of the disease, and we have more than implemented our undertaking to the Union Government.

During my inspection of this Cordon I inspected the Ramaquabane No. 4 Police Post (now Beacon No. 4 on the Protectorate-Southern Rhodesia frontier). This is a small post consisting of one good kator hut and one native hut, and is occupied by Sub-Inspector Lawrenson with three native Police. He is in charge of a large section of the district here near Ramaquabane.

I also visited the Church of England school, which is in a most lamentable condition: the walls are falling down and the roof is extensively holed. This is due to a quarrel between the teacher and the tribe.

30th June.—I proceeded by car early in the morning with the Magistrate and met four native tribes in Kgotla at Ramaquabane as follows:—

Makalaka Tribe (Headman Bakwadi).
Makalaka (Headman Mosojane).
Makalaka (Headman Masonga).
Baralong Tribe (A Headman representing Chief Moroko).

Headman Ramokoate of the Bakhurutsi and Chief Moroko of the Baralong came into Francistown with their followers to meet me on the following day. The condition in which are all these tribes is lamentable. Owing to the foot-and-mouth disease restrictions they cannot sell a single animal, for, as there is no export, there are no buyers: their corn crop has been a partial failure: they cannot obtain employment as they usually do at certain seasons outside the Territory owing to the depression prevailing there: they are unable to pay their hut tax or their rent to the Tati Company. As a result of this they are in a very depressed condition. There is another very difficult matter concerning these tribes to which I referred in my Report last year. The native tribes in Tati number some 15,000, of which probably about 10,000 are in the Reserve and 5,000 on Tati Company land. (These figures are provisional and are subject to correction as a result of further investigation by the Magistrate.) We pay a rental

of £1,000 a year to the Tati Company for the Native Reserve, and beyond their hut tax these natives have no further imposts to bear. But the natives who live on the Tati Company's land have to pay to the company, in addition to the hut tax they pay us, 30s. per annum hut rental and 3s. per head per annum grazing fees for their cattle, plus a small sum which may vary from £1 to £2 for grazing fees for small stock. It will thus be seen that the annual charge which these natives have to meet is, for a native, a very heavy one, and they complain bitterly about this.

On the other hand it must be realized that these natives came on to the Tati Company's land of their own volition and knowing what the conditions were (in point of fact the grazing fee was 6s. per head for cattle and was reduced to 3s. per head in 1927). Most of them came in with Samuel Moroko many years ago, when he was turned out of the Free State. Nobody wanted them at that time, and the Tati Company accepted them doubtless on account of the revenue to be derived from their presence.

I do not, however, think that the position can be left as it is. The financial burden which these people have to bear, especially at times like these, is very hard indeed, and it is difficult to justify when we have enormous areas of unoccupied Crown Lands.

There is another difficulty bearing on the Makalaka in the Ngwato Reserve. The Makalaka in the Ngwato Reserve are not at all happy there and wish to come out into our Reserve in the Tati, which is already overcrowded. They are not allowed to do this. The reason of course is that the people in our Reserve, which is administered directly by the Magistrate, are very much happier than those in the Ngwato Reserve administered by Tshekedi.

The solution of the problem is not easy or obvious, and I have asked the Magistrate (Captain Nettelton) to explore the ground very thoroughly and to let me have further detailed information on various points. One point at least is clear: if we abandoned the Native Reserve there—thereby saving £1,000 a year—and transplanted the tribes now in the Reserve and those on the Tati Company's land to Crown Lands, we should certainly ruin the Tati Company, who would lose several thousands a year.

I inspected the Police quarters at Ramaquabane, which are quite good. I had previously reported on them on the occasion of a former tour.

Afterwards we returned to Tsessebe where Mr. MacFarlane, the local member of the European Advisory Council, gave a luncheon party for us. In the afternoon I attended a meeting of farmers and settlers of the whole district.

I need hardly say that the meeting was an extremely difficult proposition to deal with. All present were hit very hard by the embargo and were furiously indignant with the Union Government for imposing it as they maintained, and I admit with justice, that it was quite unjustifiable. They had also been hit by the prohibition against the return of cream cans and egg boxes from Rhodesia; all of them had lost and were losing money and several were in a serious financial position. Their bitterness was aggravated by the fact of the removal of the embargo from that portion of the Territory lying south of Palapye Road and Serowe.

In the course of my address to them I explained the position to them fully and frankly, telling them exactly what we had done and were doing, and giving them reasons for everything. As regards the return of cream cans, I told them that the Union Government were prepared to agree to our relaxing the prohibition provided that there was not crossing of cream cans within the Territory, that is to say, that in the Northern part of the Territory they would have to send the whole of their cream to Bulawayo or the whole of it to Lobatsi, and I advised them strongly that in view of this it would be very much better to maintain the present position of sending all their cream to Lobatsi until we had got the general embargo lifted. I explained that to accept the Union suggestion might give them a weapon for resisting the lifting of the general embargo, and that as long as they had the creamery at Lobatsi, which I understood was giving general satisfaction, to fall back on, they were not really suffering in this respect.

As regards egg boxes the difficulty had been overcome by exporting their eggs to Rhodesia in non-returnable boxes.

I undertook that negotiations with the Union authorities should be reopened as soon as possible now that the clearing of the Tati Cordon was complete and in working order, and I promised to communicate with the High Commissioner to this effect.

On the whole my remarks were well received, and I was at all events successful in making them realise that the Administration is keenly alive to the difficulties of their position and would spare no effort to alleviate it at the earliest possible moment. The meeting closed with a very cordial vote of thanks and a resolution to leave matters

as regards cattle and cream cans in my hands with a view to making the best possible arrangements for the district.

After the main discussion a number of other points were touched on such as the appointment of a District Nurse, stock thefts, education and the operation of the Dairy Control Bill, all of which matters I am dealing with.

I also referred in the course of my remarks to the success of the Protectorate Exhibit at the Witwatersrand Show, and to the appreciation shown by the Secretary of State as regards the efforts of the European Settlers in this connexion.

We were subsequently entertained at a tea party at Tsessebe by the wives of the farmers and settlers.

1st July.—I met Headman Ramokoate and members of the Bakhurutsi tribe. They are a better class of native than most of the others here, and, though they voiced some complaints to which I have already referred in connexion with my meeting with the other tribes, they seemed on the whole satisfied that the Government was doing everything possible to help them.

The only point they were extremely anxious about was for the use of boring machine to provide them with additional water for their cattle. This, however, is a general need for nearly all the tribes in the Territory, and if our amended water-boring scheme is accepted, will be dealt with with others.

Incidentally, the Chief complained of the activities of the Ratshosas who were endeavouring to cause trouble amongst his people. I told him that in a week's time the date of their banishment would become effective, when they would not be allowed to come to this country any more.

After this meeting I discussed with Acting Chief Veterinary Officer Hay, Veterinary Officer Holmes, Dairy Inspector England and the Magistrate the lines upon which it would be possible to induce the Union Government to remove the embargo. As this question is dealt with in a separate report, it is unnecessary to elaborate it here.

I had an interview with Doctor Romyn, of the Southern Rhodesia Government, regarding the Economic Survey on the line of the proposed Walvis Bay Railway. I am afraid that we shall not obtain much help from him as his mind seems to be made up before starting. He was leaving the next day for the Survey.

The Camp at Francistown is, on the whole, satisfactory, and the buildings do not offer much cause for complaint. As usual, however, the water supply is defective. It is obtained from two wells; in one of them the water has become almost undrinkable. Unfortunately, this is operated by a new pump, whereas in the other well where the water is good the pump is an old one and very defective. It may be necessary to make changes here. I am discussing this matter with the Public Works Department.

In the afternoon the Magistrate and Mrs. Nettelton invited all Europeans in Francistown and District to meet us. Subsequently I had a long interview with the two brothers Haskins, the largest cattle dealers in this district, and probably in the Territory. They gave me much valuable information as regards prevailing conditions, and all that they told me emphasized the necessity for immediate action in regard to the lifting of the embargo.

2nd July.—I interviewed Samuel Moroko and members of the Baralong Tribe. In addition to the complaints as to double taxation to which I have already referred, he raised and pressed the question of his being allowed to return to the Orange Free State. I told him that he must put any such idea out of his head, as the Government of the Union had already been approached about this matter, and was firmly and irrevocably opposed to any such return. He asked if there was anywhere where he could go, and I suggested that he might like to ask Chief Tshekedi whether he would allow him to settle in the Ngwato Reserve. I told him that we could not do anything in that matter, but that his course was to approach the Chief if he wished to do anything of the kind.

Later I interviewed Father . . . . . ., the Roman Catholic Priest from Bulawayo, who is in charge of the work of his Church in a large part of this Territory. He was anxious for facilities to establish more missions in the Territory. I explained to him the position as regards Native Reserves, and advised him that before making any definite request to the Administration he should travel in the Territory and interview some of the Chiefs.

In the afternoon I returned to Mafeking by train, arriving on the morning of Friday, the 3rd July.

C. F. REY.
Resident Commissioner

17th July, 1931.

(c) Education in Bechuanaland Protectorate and Swaziland.

20251/2.

No. 117.

DESPATCH FROM THE RESIDENT COMMISSIONER, BECHUANALAND PROTECTORATE, TO THE HIGH COMMISSIONER, SOUTH AFRICA.

(Copy received in Dominions Office on 22nd December, 1930, under cover of High Commissioner's despatch No. 690 of 3rd December, 1930.)

[Answered by No. 118.]

(No. 1850.)

Resident Commissioner's Office, Mafeking,
6th November, 1930.

MY LORD,

I HAVE the honour to transmit the enclosed copy of a comprehensive Report on Education in the Bechuanaland Protectorate in respect of the period January, 1929, to June, 1930, compiled by the Inspector of Education, Mr. H. J. E. Dumbrell.

2. We are indebted to Mr. Dumbrell for the production of so valuable a document amid his multifarious duties. It should prove extremely helpful to the Government and I am confident that Your Excellency will agree that the Inspector is to be congratulated.

3. In a recent despatch I described the state of education generally in the Bechuanaland Protectorate as "deplorable." Your Excellency has rather deprecated the use of such an adjective, having regard particularly to the progress made during the past two years, progress which is evidenced in this Report and is reflected in an increase of £1,841 over the amount of £2,425 expended in the financial year 1927-28 on European education. I admit that in such a context the expression used by me seems, at first sight, at any rate, ungrateful; but I had native education rather than European in my mind. That is, education for the greatly preponderant native population, for which nothing practical appears to have been attempted until last year—after Mr. Dumbrell had taken charge—and which task will demand in its carrying out every effort and resource of which we are capable. Hitherto, and even to-day our system may be said to lead nowhere.

4. For ample justification of my criticism I would refer Your Excellency first, to the admirable recommendations made in 1905 by Mr. E. B. Sargent, Director of Education of the Transvaal and Orange River Colony—who so ably seconded Lord Milner's efforts for the educational advancement of the native peoples of South Africa—in his report written as the result of his month of investigation spent in this Protectorate (November, 1905), quoted on page 3 (Historical Review) of Mr. Dumbrell's report, and secondly, to Chapter VI thereof.

5. Mr. Dumbrell quotes eight recommendations by Mr. Sargent. Of these one of the most vital I consider, is the first "(i)," viz.:—"All grants to teachers should be dependent upon the introduction of manual and industrial teaching in the schools."

6. This, as well as recommendations "(iii)" and "(v)," appears to have been ignored in the system of native education in this Territory up to 1929, that is, for 24 years.

7. No copy of that report appears to have ever been filed in this office, and the original which was once, I understand, filed in the High Commissioner's office, only recently came by chance into Mr. Dumbrell's hands.

8. As a further argument I here quote from the recent "Memorandum on Native Policy in East Africa," recently issued in connexion with the Kenya White Paper of July, 1923:—

> "8 (*b*) On the social side, His Majesty's Government regard the objective to be achieved as a general improvement in the standard of native life, alike in economic conditions, in home circumstances and in the physical health of men, women and children, together with the spread of education in the widest sense. Such education should not be regarded as applicable only to children at school or youths under technical instruction, but must include such measures of adult education as may from time to time be practicable. It should go far beyond reading and writing, or any mere process of fitting individuals to carry out clerical duties, or even to attain some measure of proficiency in handicrafts; it should, as the Report of the Commission on Closer Union expresses it, aim at raising the average standard of knowledge and of intelligence of the whole community, and achieving such an intellectual advance, as would, in itself, gradually effect a transformation of the daily lives of the people. Education, sanitation and a progressive raising of the economic standard of life should therefore go hand-in-hand.
>
> "Moreover, it is part of the duty of the Government to afford active assistance in improving the native methods of cultivation by appropriate training in agriculture (including the keeping of cattle) and by the effective dissemination among the adults of knowledge requisite for this purpose, and in enabling the natives to obtain a fair market for their products, especially by providing adequate means of communication and transport. These

> and other means of promoting the development of the resources of the Territory in native occupancy or use should, in view of the large population concerned, be regarded by the Government as of primary importance.
>
> "It is incumbent upon the Governments to ensure that Government expenditure on native services in the annual budget should bear a proper relation to the revenue raised from the natives, and particularly that the natives should receive, directly and visibly, a fair return for the direct taxation which they are called upon to pay."

9. Likewise, the following from "The Land of Zinj," by the late Major C. H. Stigand (1913) also in regard to British East Africa (Kenya) seems apposite:—

> "The native who can talk a little English is really no more educated than his wild companion who can talk a little Swahili. If the native is to be taught reading and writing he should be taught to read and write Swahili. This is distinctly the most useful language in the country, and its ideas and phrases are easier for him to comprehend than those of a cultured language.
>
> "When our ancestors, however, began to learn to read and write they had a foundation of arts and crafts behind them. These are the proper foundations of education. All the natives of the country cannot be clerks and interpreters, but there is room for plenty of blacksmiths, masons, carpenters, gardeners, &c.
>
> "His civilising should, then, commence at teaching him such things as these: cleanliness and sanitation.
>
> "He should be taught agriculture and how to plant his fields to the best advantage.
>
> "He should be taught what to plant for sale, such as cotton, &c.
>
> "He should be taught manual labour, arts and crafts."

10. The above refers to the tribes of Kenya in 1912, but *mutatis mutandis* it is equally true as regards the bulk of the natives in the Bechuanaland Protectorate, such as the primitive Makuba, Masubia, Makgalakari, &c., as well as the more backward Betswana, and for "Swahili," reading "Setswana."

11. Mr. Sargent recorded his opinion that the amount of money set aside year by year in the Bechuanaland Protectorate for native education should not be less than 10 per cent of the Hut Tax and when the Territory became self-supporting (as it has now been for years past) 20 per cent; and the Conference held at Dar-es-Salaam in March, 1929, declared for a juster proportion of expenditure on native education, not merely to the amount derived from Hut Tax, but to revenue accruing from direct and indirect taxation of the native taken together, and to general revenue. Judged by such criteria the situation in Bechuanaland Protectorate, even treating contributions to Native Fund as Hut Tax, is, I fear, far from satisfactory.

12. It is impossible, of course, under the existing arrangements with the Union of South Africa which eliminate separate Customs statistics, to attempt any approximation to the amount of indirect taxation of the natives of the Territory; but of general revenue (including that of the Native Fund) the amount spent on coloured and native education during the year 1929-30, £6,765, was under 5 per cent, and of that amount nearly 10 per cent was spent on the salary of one teacher of a single native primary school.

13. For the most disquieting picture in this Chapter of the Report I turn to Mr. Dumbrell's account of the state of affairs in regard to the Mission Schools of the Bamangwato Reserve. He tells of the London Missionary Society attempting to run 28 schools on a grant of £200. I need hardly say that the small Government grant to the Society is not intended of itself to meet all the expenses of the schools in respect of which it is made: something is expected of the charitable sources whence Missions usually derive their funds. Even so, having also in view the fact that there are three Tribal Schools supported directly by the Bamangwato themselves, I am bound to admit that an expenditure of a mere £200 per annum on education is in no sense giving this Tribe a fair return for its contribution to the Native Fund, recently increased as it was from 3s. to 5s. for each Hut Tax payer, and amounting last year to £4,170. In face of what the Inspector has now reported, the case for increasing the grant to the London Missionary Society would seem a strong one if the present system were to continue. But I have formed what I think is a far better plan. I have come to the conclusion that what Mr. Dumbrell expresses as amalgamation of the Mission and Tribal Schools under a Central Committee should be realized as from the commencement of next financial year in the form of Government control of all the Bamangwato Schools, in common with those throughout the rest of the Territory under the rules to be found appended to the Report (Appendix "E.")* At my instigation the local Missionaries and the Chief Tshekedi have concurred in this plan. On Tshekedi's own suggestion last August I was about to bring into operation at once throughout the Reserve the revised salary scale (*vide* Appendix "F.")* which I purpose should be uniformly applied throughout the Territory, meeting the cost in respect of the Bamangwato amounting to approximately £1,000 for the rest

* Not printed.

of the financial year out of the £2,000 provided in the Native Fund for a grant to the Chief. The primary purpose of that grant and the greatest need of the Tribe is, however, water. It has turned out that the cost of providing an adequate water supply at Serowe, and also at Madinare—where it seems to be most needed—will absorb the whole £2,000. Next year, another £2,000 at least, should be provided for the Bamangwato from the Native Fund, and I propose that it should be earmarked for education.

14. I think that I have said sufficient to show that there is a fair prospect of putting the Bamangwato education house in order in the near future. As regards the rest of the Territory, although, generally speaking, we find no such degree of backwardness there, there is nevertheless need for uniformity under Government control. I do not suppose that any Mission Society would, even with Government aid, be equal to coping satisfactorily with present day requirements in regard to native education. Divided control with such a great task to be faced is at all events very inadvisable, and is even more so when the control of individual schools or groups of schools has to be shared with Missions or Native Tribes. The proper sphere for the collaboration of either with the Government, is the Advisory Board, and such a body, Your Excellency will be glad to learn, is to meet for the first time this month.

15. The training of native teachers is a vital, but as yet unsolved problem, and in all probability we shall ultimately have to find the real solution ourselves, though for financial reasons this is at present impossible. There is, I believe, no training school in the Union or Rhodesia where Setswana is a pass subject, and to send teachers outside the Territory for training is necessarily an expensive matter. In 1926 Chief Isang initiated and the Government Secretary and the then Inspector of Education (Mr. F. H. Dutton, O.B.E., M.A.) carried through an arrangement by which teachers' certificates as far as the First Year Normal Course which were granted at the Bakxatla National School would be recognized in the Transvaal. Unfortunately for reasons into which it is unnecessary to enter here this achievement has so far borne little or no fruit, and until there can be a suitable rearrangement of the teaching staff and curriculum, none can be expected. But it seems to me that as soon as possible after the reorganization of all the native schools on a uniform basis has been accomplished it will be a matter for careful consideration whether we should not arrange for a centre within the Territory to be equipped and recognized as a school for training native teachers. Until then the relatively inadequate expedient of sending batches of teachers annually to the vacation courses in the Rhodesias for the northern, and at Tiger Kloof for the southern Protectorate must be adopted to the utmost possible extent.

16. As regards the education of European children, there is also a great deal yet to be done before it can be said that Government effort has achieved all that is required for the proper development, even for the present needs, of the Territory. It is something to provide a fair chance for the Protectorate child to earn a living somewhere, but it is not enough when, as matters now stand, the probability is that employment will have to be found outside and thus the moneys spent on the child's education, as well as a potential settler, will be lost to the Territory. There is much to be said for the education of children throughout the years when they are most impressionable taking place in the country of their origin, as best fitting them for after life there, if such is to be their lot; and although some considerable time may elapse before there can be a good secondary school, with an industrial side, in the Protectorate, still this is an ideal to be aimed at and I intend to keep it before me. A more present consideration is that numbers of children in the Protectorate are receiving all their education outside. Owing to distance from the local schools being too great to travel daily even with the aid of the transport allowance of £10 per annum, holders of primary bursaries in the Francistown, Tuli Block, Gaberones and Lobatsi Districts are being educated in Rhodesian and Union Schools. If these could attend schools within the Territory the grants to such schools would not have to be increased in every case. The building of hostels at Lobatsi, Mahalapye and Francistown would afford the right solution and the amounts paid in bursaries would go towards the upkeep of such institutions. The initial capital outlay would, however, be comparatively large. I have informally approached the Beit Trustees for assistance but have learned with regret that the terms of the bequest do not extend to the Bechuanaland Protectorate. Nevertheless, I hope to be able to include provision for building one such hostel, at Lobatsi, in next year's Estimates. This would obviate the necessity for continuing the arrangement under which Protectorate children are received in the Dutch Reformed Church Hostel at Mafeking, at a cost to us of £16, or in cases of extreme indigency, £21 per annum each. There are other more cogent reasons for starting the experiment at Lobatsi, of which the unhappy instance given

110

on page 31 of the Report is symptomatic. Should your Excellency approve my proposal in principle I would give very careful consideration to the advice quoted by the Inspector against Government administration of a hostel; as you are aware a boarding house administered by the local School Committee has been in existence at Tsessebe for some years.

17. The alternative of providing more schools for European children is scarcely practicable at present; the population is so scattered that at hardly any new centre could sufficient children be got together to justify the engagement of a teacher, even if a suitable building were available.

18. Compulsory education for European children is favoured by the Advisory Council. This step would necessitate the acquisition or erection of school buildings by Government and there would be other additional expenditure involved in the engagement and housing of teachers, the equipment of schools and the transport of children, which would be utterly beyond the resources of public finance at present. In other words, compulsory education would have to be free education, and the Territory cannot yet afford it.

19. The Inspector's scheme for improving the teaching staff of European schools where improvement is required, and for grading their salaries (Appendix " G " of the Report)*, is also, I fear, beyond the scope of practical politics at present. I have, however, acted upon the suggestion of the European Advisory Council (Enclosure to Appendix " G ")* that the implications of the scheme as regards the importance of a maximum school attendance should be impressed upon parents. This in time will doubtless result in the realization of part of the scheme through the larger grant and fee-earning capacity of the better attended schools. It might indeed be possible to make compulsory the attendance of a child who is already on the school register, and this possibility will receive further consideration.

20. As regards bettering the conditions under which teachers work, I have requested Magistrates also to impress upon School Committees the desirability of improved housing of the teachers and the Principal Medical Officer has arranged to give partially free medical attendance and treatment in the Government hospitals to any teachers and governesses who attend at the Dispensaries.

21. I have traversed in the foregoing paragraphs the salient features of educational matters in the Bechuanaland Protectorate as they present themselves to-day. It will now be convenient if I briefly comment upon Mr. Dumbrell's summary of recommendations on page 52 of his Report.

(i) *Organization of Education in the Bamangwato Reserve*, and

(ii) *Meeting of Central Advisory Board.* I have nothing to add to what I have already said in this despatch, except that in connexion with (ii), I refer to Your Excellency's despatch No. 1536 of 12th September, 1929,† and attach a copy of the Draft Constitution, and a list of the representatives who have accepted my nomination.

(iii) *New Orthography.* I refer you to my despatch No. 463/2 of the 28th July, 1930.‡

(iv) *School Leaving Certificates.* I agree with the Inspector and arrangements to carry out his proposal are in train.

(v) *Classification of Schools.* I am in general agreement with these proposals and particularly endorse Mr. Urling Smith's remarks in paragraph 8 of his Report of 1925 as to the importance of native children being first taught their own language and then other subjects through the medium of their own language. After further consulting Mr. Dumbrell I consider that the vernacular should be the invariable medium up to and including Standard IV with the exception of the English language work which should be taught as much as possible through the medium of English. From Standard V upwards the examination systems obtaining in neighbouring Territories and the general economic situation make it desirable for the vernacular to be almost replaced by the English medium. I am instructing the Inspector to give effect throughout the Territory to this principle as soon as possible.

(vi) *Coloured Schools.* I am in accord with the Inspector's view that there should be a limitation of this class of school to existing numbers, namely, two. For the present it is expedient that the Resident Magistrates concerned in their official capacity should be solely responsible for the

* Not printed. † D. 12321/29: not printed. ‡ 11387/6: not printed.

conduct of these schools, as it is not possible to bring together a Committee in either District capable of discharging the functions pertaining to such a body, and the management cannot conveniently be assigned to the European School Committee.

(vii) *Co-operation with neighbouring Territories.* With this principle, and the suggested methods for giving effect thereto, I am in entire sympathy, subject to the proviso that such co-operation should extend northwards as well as southwards, that is, we should look to the Rhodesias as well as the Union and work with them, and particularly with the former as obviously we have principles and aims in common with them and geographically they are more readily accessible to natives of our Territory.

FINANCIAL.

(i) *Training of Native Teachers in the Rhodesias.* I am strongly in favour of this as a temporary measure, and tentative arrangements have already been made with the Rhodesian Educational authorities. I am now entering into correspondence with the Colonial Secretary, Salisbury, with a view to the preparation of a definite scheme.

(ii) *Vacation Course for European and Native Teachers: Provision of £180 per annum.* I propose to include this in next year's Estimates.

(iii) *Administration.* My comments on this matter will close this despatch.

(iv) *Hostels.* I have already dealt fully with this subject in paragraph 16 of this despatch. The Principal Medical Officer has advised that, for reasons of health, the projected hostel at Lobatsi should be located on the Government farm, near the hospital.

(v) *Bursaries for Native Teachers.* This is most desirable and I hope to be able to make the necessary provision in next year's Estimates.

(vi) *Provision of Textbooks.* I agree with the Inspector and will, if possible, insert a provision of £100 in next year's Estimates.

(vii) *Bursaries for Coloured Pupils.* I should like to adopt the Inspector's proposal, but I am not sure whether provision can be made in next year's Estimates for so many new items.

(viii) *Dates of Financial and School Years.* I am afraid that it is not possible to effect the synchronization between the School and Financial year. It is undoubtedly somewhat inconvenient to have to submit the education estimates in advance of results only definitely ascertainable at the end of December, but every endeavour will be made to accommodate the Inspector in regard to his financial arrangements.

22. Your Excellency will realize that the great number and variety of the problems and projects which are brought to light in Mr. Dumbrell's exhaustive report have required time and labour for their examination and consideration, necessarily prolonged because he and also the Financial Secretary have been unavoidably absent when their further advice was needed. As a result there is little time left for you to consider them in turn before next year's Estimates are prepared. Whatever conclusions, however, may be reached in that connexion wth regard to those subsidiary matters, I trust that Your Excellency will be able to give your full support to the proposals made by the Inspector, and now most earnestly recommended by me, in respect of the administration of the Education Department. These are that:—

(1) The Inspector becomes Director of Education in the Bechuanaland Protectorate and Swaziland, at a salary of £700 by £25 to £900 per annum with house allowance of one-sixth of his salary.

(2) The appointment of an Inspector of Schools as from the 1st April next at a salary of £450 by £20 to £600 with a house allowance of one-sixth of his salary.

(3) The appointment of an Organizing Instructor of Manual and Agricultural Training as from the 1st April next or as soon as possible thereafter with similar emoluments.

(4) The appointment of a Clerk to the Director at a salary of £150 by £15 to £250, for I feel sure Your Excellency will agree that administration is the crux of the whole position.

23. The present Inspector of Education is palpably overworked. Although it does not come within my province to describe or to analyze what he does for Swaziland, I have learned from the Resident Commissioner of that Territory that he is as devoted and as useful a public servant there as he is here, and the full tale of his activities

in the Bechuanaland Protectorate is nothing like completely told in his present compendious Report. They are characterized by intenseness rather than by duration, and they would be more fruitful if he could give more time to them. Mr. Dickson and I have very carefully considered the possibilities of easing his position in respect of either Territory so that he could give more time to the work of the other, but the only solution which we can suggest is that he should remove his home to one of the two Territories, preferably to Mafeking, and the apportionment of the additional working time that would thus be gained is now being discussed between the two Administrations.

24. In the course of this year Mr. Dumbrell has up to the present spent one month and 23 days in the Protectorate (of which 28 days were occupied in travelling to N'gamiland and back) and 13 days at Headquarters for four visits. I expect him to return here shortly for the rest of November, which period he will probably divide evenly between Headquarters and the inspection of schools. In addition I understand that he spends something over two weeks altogether at Pretoria attending to examination papers in connexion with Protectorate European Secondary bursaries. The time thus available for the inspection of nearly 100 schools is too little; it is no more, probably less, than was given by his predecessor (who was so barely spared by Basutoland) to the work, and complaints have been received. As regards the extreme meagreness of the time spent by the Inspector at this Headquarters in the course of ten months, I will only say that it has proved totally insufficient and that neither I nor my officers, with so many other pressing duties, can afford to set aside almost the whole of these days for intense discussions of educational subjects. Were Mr. Dumbrell present in Mafeking for longer periods he could begin and finish most of his business here, and necessary discussion with him could proceed in a more convenient and satisfactory manner.

25. I have consulted the various Magistrates, and, on the assumption that Mr. Dumbrell removes his quarters to either Nbabane or Mafeking which seems to be a *sine qua non*, I am arranging with Mr. Dickson that his (the Inspector's) itinerary should be reallocated so that the following periods may be allotted to the Protectorate in each year:—

1st February—15th March.
1st July—15th September.
1st November—30th November.

26. This arrangement, however, would not in itself meet the requirements of the Protectorate. To enable Mr. Dumbrell to give full and sustained attention to all the work of his Department, as elaborated by the reforms which he has introduced and as it will be further developed by the reorganization of native education as advised by him and earnestly recommended by me, imperatively demands that he should be given assistance. Considering the great distances to be covered, the backwardness of some of the Districts educationally, the constant need, as the eductional plan develops, of centralized direction and of the presence at Headquarters of a qualified educational adviser, it is clear to me that the time has arrived for the appointment of a separate Inspector of Schools. If inspection did not at first occupy the whole time of such an officer, he would be available to deputize for his superior when the latter was absent in Swaziland or was on leave of absence, and I need hardly remind Your Excellency that Mr. Dumbrell cannot be expected much longer to defer applying for leave.

27. The question of utilizing in this capacity the services of Mr. R. S. Steensma, B.A., Principal of the Bakxatla National School, has been very carefully considered, but, as Your Excellency will see from a separate despatch which I am addressing to you in regard to that officer, I have come to the conclusion, in which I am strongly supported by the Inspector of Education and my other advisers, that he would not be suitable for the post, and as part of the reorganization scheme I have reluctantly decided that his services should be dispensed with.

28. Your Excellency, who has taken such a keen interest in the natives of the Protectorate and in the arts and crafts of which they are no mean exponents, will not need much argument to convince you that it is right to blend their ordinary education judiciously with instruction designed to foster and improve their own accomplishments and to add to these the knowledge and practice of other manual industries that may be of use to them. In your speech to the Chiefs and natives of the southern Protectorate at the laying of the foundation of the Athlone Hospital at

Lobatsi you said: "He (Mr. Dumbrell) aims at giving you advantages of modern European education, while preserving all that is best in your own customs and traditions. I ask you to encourage your children to do as he wishes in learning such industries as may bring them profitable employment at home after they leave school, and these include the preservation and improvement of crafts which you have yourself taught them from infancy."

29. It is impossible to contemplate that the new Inspector of Schools should have the practical experience necessary to qualify him for undertaking the supervision and immediate direction of this work, as well as the essential and different qualifications for an Inspector of Schools. Even if he had, I am persuaded that what is needed is an officer who can give his whole time to the work, just as in Basutoland there has for years past been a Director of the Industrial School. It is, of course, premature as yet, from the standpoint either of finance or of tribal organization, to contemplate the establishment of an Industrial School in the Protectorate. What I propose is that the officer appointed for this purpose should travel round the various native schools and spend two or three days at each, inspecting the work done, arranging for the marketing of any objects of utility or value, and setting new tasks to be done. As Mr. Dumbrell has proposed, it is probable that, if this post can be sanctioned, I can find among the present members of the Service a man thoroughly fitted to hold it.

30. The third assistant whom Mr. Dumbrell needs for his Protectorate work is a clerk, and there is provision in the current Estimates for such an Officer. In deference to Your Excellency's wishes I have reconsidered my view that the Clerk in the Education Department should be available for field work in the Protectorate. With the appointment of an Inspector of Schools and of an Organizing Instructor of Manual and Agricultural Training there would be no need for this extension of the Clerk's duties; indeed his time would be fully occupied in the office, where he would have to relieve the Principal Clerk, Mrs. Harris, of most of the routine educational work now performed by her. Moreover, I am convinced that further delay in filling the post would be seriously detrimental to the transaction of the business of this office. Mrs. Harris, the Principal Clerk, who has hitherto attended to the correspondence of the Education Department under my supervision or that of the Government Secretary, has performed the work very creditably and worked long hours, but as she is also Secretary to the European Advisory Council and supervises the Registry, and Copy Room, in addition to a great deal of other work, she cannot be expected to keep pace with all the requirements of her varied duties. I cannot consent to her bearing any longer the burden of all the educational work she now performs, which in itself often occupies the best part of the day and I am accordingly in a separate despatch submitting a name for immediate appointment to the post of Education Clerk, for which the necessary funds are available.

31. I desire to advocate strongly the adoption of Mr. Dumbrell's suggestion that his office should be styled Director of Education. I feel sure that Your Excellency will agree that the nature and extent of his duties at the present day and as projected for the immediate future clearly require that this step should be taken now. If he is to be given the assistance of a travelling Inspector the need for changing the designation of his office becomes even more obvious. I may refer to Your Excellency's remarks in paragraph 3 of your despatch No. 2142 of the 22nd November, 1929, in regard to a similar suggestion from the European Advisory Council and from the Resident Commissioner of Swaziland wherein you intimated that you might be prepared to accept such a proposal later on.

32. I suggest that with this change it would be appropriate if Mr. Dumbrell's scale of salary could be raised to £700 by £25 to £900, with a house allowance of one-sixth of his salary. The increase of his present salary of £625 to £700 and of his maximum from £700 to £900 would be no extravagant reward for his most excellent and devoted work or incommensurate with the importance of his Department and of the great task before him. I trust that Swaziland finances will be able to meet the small additional expenditure which will be involved.

33. This despatch affords abundant reason for severing the connexion with Swaziland in Mr. Dumbrell's post. I should indeed have preferred to ask for this step to be taken now, but I appreciate the advantages of a common policy and of the fullest interchange of educational knowledge, views, and experience between the two Territories for some years to come, and the course I have proposed is on the whole the more economical for both. At the same time I desire to emphasize my firm view that continuance of the connexion will only be possible if the new posts I have recommended can be sanctioned.

112

34. My proposals involve no additional expenditure this year, and very little next year. By abolishing the post of European Principal of the Bakxatla School, as is proposed on the termination of Mr. Steensma's appointment, a sum of £600 per annum will be saved, and by appointing as Organizing Instructor of Manual Training and Agriculture an officer already in the service (whose post need not be filled), the creation of the latter post will impose little or any extra cost on the Administration.

35. Following is a summary of the salary cost of the administrative changes recommended:—

		Cost next financial year.
		£
Director of Education, £700 by £25 to £900 (half salary)		350
Inspector of Schools, £450 by £30 to £600		450
Organising Instructor of Arts, Crafts and Agriculture, £450 by £20 to £600		450
Clerk (already sanctioned) £150 by £15 to £250		195
House allowance:—		
Director of Education	£ 58	
Inspector of Schools	75	
Organising Instructor	75	
		208
		£1,653
Less Savings:—	£	
Teacher, Mochudi	600	
Organizing Instructor (present salary of official to be recommended for appointment)	410	
		1,010
Net increase		£643

of which sum £532 is already sanctioned: the increase in salaries is therefore in effect only £111 beyond present estimates.

36. In addition there will be the cost of travelling for Inspector of Schools and the Organizing Instructor, but there will be set against this some reduction in the cost of the Inspector of Education's travelling firstly on account of the revision of his duties, partly on account of the better organization of his time as between Swaziland and the Protectorate which in accordance with Your Excellency's instructions I am arranging with the Resident Commissioner, Swaziland. I estimate the additional amount required for travelling at £350.

37. I earnestly trust that these proposals for the reorganization of the Education Department will receive Your Excellency's support and that you will approve of my making the necessary provision in the Estimates.

38. The Inspector of Education has asked me to attach to his Report a statement of comparative figures which appears at the end thereof.

I have &c.,
C. F. REY.
Resident Commissioner.

Enclosure 1 in No. 117.

REPORT ON EDUCATION.

BECHUANALAND PROTECTORATE.

Introduction and Historical Survey.

Preface.

In view of the size of the Territory and the fact that the writer, who only commenced his work in December, 1928, has to share his time between both Bechuanaland and Swaziland, this report has of necessity to be largely in the nature of a review and to cover the period from 1st January, 1929, to 31st March, 1930. Mr. E. B. Sargent, C.M.G., in his report on Education in the British Bechuanaland Protectorate (1905), which is frequently referred to in the body of this report, states

that: "If an attempt be made to visit the missionary 'outstations' (schools), a tour of six months would scarcely afford time to see the small schools which are situated in such remote places." Nevertheless, it has been possible to visit nearly all the schools which lie east of the railway line running from Mafeking to Plumtree (Southern Rhodesia) and within a distance of 40 miles west of the same stretch of line. Further there have been visited several schools in far-away Ngamiland and others near the confluence of the Zambesi and Chobi Rivers, where Southern Rhodesia, Northern Rhodesia, the Mandated Territory of South West Africa, and the British Bechuanaland Protectorate meet.

Historical Review.

It is difficult to state precisely the date when the first native school in what is now known as the British Bechuanaland Protectorate was first opened, but that its inception was due to the work of such famous men as Moffat, Mackenzie and David Livingstone, and to those other pioneers of the London Missionary Society, one of whom rests within the bounds of the far-off Mababe Flats, there is little reason to doubt. Indeed, the probability is that there was a school existing at Kolobeng, in the southern Protectorate, about the year 1853. That other missions, or at least one other mission, soon commenced educational work amongst the Bechuana, is evidenced by an old school report written on the Ramoutsa School in 1905, which shows that the Herrmansburg Mission—originally invited by Pretorius in the old days of the Transvaal Republic to come to that Territory—had commenced work at Ramoutsa in 1876.

Certain it is that up to approximately the year 1900 the work of education was largely undertaken by a few missions with little or no aid from the Governments of those days.

A report furnished by the Assistant Commissioner, Gaberones, and dated 10th June, 1901, shows that at that time there were in the southern portion of the Protectorate about twenty native schools at work with an approximate average attendance of 1,000 pupils. The work was mostly in the hands of the London Missionary Society, the Lutheran Church and the Dutch Reformed Church. The London Missionary Society were working in and about Kanye; the Lutheran Church near Ramoutsa, and the Dutch Reformed Church in and about Mochudi. The curricula included Setswana, reading, writing, arithmetic, geography, scripture, knowledge, general information, a little English, physical drill, some needlework and knitting and (Molepolole) singing, Bible history and catechism (no mention is made of hygiene, history, agriculture or nature study); but the report closes with the remark: "No efforts have as yet been made to afford industrial education in any of the missionary schools in the southern Protectorate, but it is the intention of the London Missionary Society to establish with the least possible delay an Educational and Industrial School at Tiger Kloof near Vryburg, and I am informed that this new school is intended primarily for natives of the Protectorate." A report dated 11th November, 1901, shows that at the request of the Imperial Secretary, Mr. Reginald Balfour of the Transvaal and Orange River Colony Education Department, visited the Protectorate. From his report we learn that there were at that time two European schools, with a total of about 36 pupils established near Palapye, but when the Stad was moved to its present site, the schools were discontinued. Amongst Mr. Balfour's recommendations were the following, which are accepted as being of special interest:—

(i) That native education should be fundamentally different from the education of white children in South Africa, and that a separate Department of State is required to organize and regulate it.
(ii) To invite the various religious bodies to form a Representative Council to advise the Government as to curriculum and means for training of teachers, to act permanently as an Advisory Body to the Director of Native Education (see Board of Education Act, 1899).
(iii) That fees, however small, should be exacted from all native schools.
(iv) That a member of the Tiger Kloof School staff should be employed during vacations to inspect the British Bechuanaland Protectorate native schools.
(v) The vacations and terms of the schools will have to be determined every year according to the conditions of the seasons.
(vi) In view of the fact that he was informed that: . . . . "when a certain stage has been reached in the knowledge of Setswana further progress becomes impossible." English should not be reached until this stage has been arrived at, not, that is, until the fourth or fifth year of school life.
(vii) That if the Government takes over the curriculum every attention should be given to the religious teaching.

113

In November, 1905, Mr. E. B. Sargent, Director of Education of the Transvaal and Orange River Colony, visited the Protectorate, spending one month in visiting schools and making numerous inquiries. As a result of this visit his well-known report on Education in the British Bechuanaland Protectorate was written. Mr. Sargent suggests that at that time the whole native population of Bechuanaland amounted roughly to 112,500 people, and that only 1,379 children were at school. Mr. Sargent's report, amongst other recommendations, contains the following:—

(i) All grants to teachers should be dependent upon the introduction of manual and industrial teaching in the schools.
(ii) The educational interests of the Bechuanaland Protectorate should be centred around some institution not only responsible for the training of teachers, but performing the rudimentary duties of an Education Department.
(iii) Every year a vacation course of study should be held, and an attempt made to give such instruction as would tend to take teachers out of their ordinary groove. Status and salary of teachers would be improved as the result of success at such vacation courses.
(iv) Work at schools should be without denominational bias but in a definitely Christian spirit.
(v) A Central Board of Advice should be formed to keep the Resident Commissioner informed as to the views of the Missions on all matters connected with Education in the Protectorate. The Government Secretary to be Secretary of the Board and the London Missionary Society, Dutch Reformed Church, and Herrsmansburg Mission to be suitably represented; their work to be to consider (i) Education Estimates (ii) The Draft Annual Report (iii) Regulations.
(vi) The amount of money set aside year by year should in no case be less than 10 per cent. of the Hut Tax, and when the British Bechuanaland Protectorate becomes self-supporting 20 per cent. should be devoted to such objects.
(vii) In connexion with day schools established at the principal villages of the Betswana there should be some form of local control.
(viii) In order to ensure the maintenance of a sufficiently high standard of work, the schools should be inspected at least once a year by some person appointed by the Resident Commissioner, and every few years the High Commissioner should obtain the services of some educational authority, with wide experience, to report upon the general state of education in the Protectorate.

This latter recommendation was to some extent carried out by the appointment of Mr. F. H. Dutton, O.B.E., now Director of Education, Basutoland, who, up to the appointment of the present writer, visited most of the more accessible schools annually, and furnished the necessary reports, other recommendations having been partially adopted or left entirely in abeyance.

The present position is that there are ten European schools in the Protectorate, with an average attendance of 300 children, two coloured schools, with an attendance of roughly 60 children, and 92 native schools with a total enrolment of approximately 7,000 pupils. In charge of the work is one Inspector of Education, who spends six months in each year directing and inspecting the work of all schools.

CHAPTER II.

Educational Position as it Exists To-day.

The geographical position of the Bechuanaland Protectorate gives it direct contact with the educational systems that obtain in Northern Rhodesia, Southern Rhodesia, the Mandated Territory of South West Africa and the Transvaal and Cape Province, both of which are within the Union of South Africa. These countries, each with its own educational system, all border on the Bechuanaland Protectorate and consequently their educational policies impinge on the Protectorate, and must to some degree influence its educational policy. For example, at the beginning of the year 1929 it was found that at the ten European schools within the Protectorate the following codes were amongst others being used: Southern Rhodesia, Cape Colony, Transvaal and Natal, none of which met or yet meets, adequately, the requirements of the Protectorate. The position is still further complicated in respect of European education, by the fact that, within the territories lying to the south and east, Afrikaans

is almost a *sine qua non* in respect of children who may ultimately attend schools within those Territories, whilst to the north and north-east Afrikaans is not obligatory. Within the Territory there is but one official language—English—and as a consequence there is on the one hand the pull of sentiment towards the system obtaining in Southern Rhodesia, with the same official language, and on the other hand the economic pull towards the Union with its bilingual difficulties, where employment is more readily to be found. Again, in connexion with native education there is amongst the natives a bias in favour of the educational policy of the Cape Colony, which to them represents the British liberal educational policy of some decades ago inasmuch as the Union differentiates between the codes used for natives and for Europeans. Again, in the north and north-east the Southern and Northern Rhodesias are gradually bringing their educational policies into line with the policies obtaining in Kenya, Nyasaland, Tanganyika, and Uganda, and stressing the fact that the educational system for the African must be along lines which very properly develop the best in his own culture and fit him for the physical, social and economic needs of his own environment. In these countries, as in Bechuanaland, a large mass of natives still hold their tribal rights to large areas of land.

Further the position is complicated by the following factors:—

(i) There is no institution within the country where the Protectorate children of European stock can obtain secondary education.
(ii) The one College for the training of native teachers—at the moment urgently required—which is subsidized to a small extent by the Administration—is situated within the Cape Province.

As a consequence of (i), European parents have to decide, when once the primary course is completed, whether they wish to send their children to the Secondary Schools in Northern and Southern Rhodesia or whether to schools in the Union, and in the latter case there is the economic urge. If the former course is chosen, only the official language—English—is needed in the primary schools of the Protectorate, and if the latter, Afrikaans is almost a necessity. In order to meet the difficulty it has been decided that the Southern Rhodesian code shall be used in all Protectorate schools, with slight alterations, for the time being, and as this code, although not making it obligatory, sets out a course of Afrikaans, it meets the need fairly adequately. (See Interim Report, Appendix A.)* Further, it has been arranged that in the Standard V and VI courses, from which standards the best pupils generally proceed to the Secondary Schools, the parent has the option of allowing his child to sit for a special paper in Afrikaans, set by an examiner having a full knowledge of the standards obtaining in the Union of South Africa. Pass or failure in this paper makes no difference in respect of the actual standard passed, but success is specially recorded on the certificate issued for the standards named, and so serves as an "open sesame" to the Union secondary schools. In connexion with (ii)—training college for natives—the difficulty has been partly overcome by arranging that vacation courses shall be held during the college vacations for Protectorate native teachers, at which courses people having particular knowledge of the needs of the Protectorate will lecture and instruct and ultimately it is hoped that attendance at these courses will partly regulate the qualifications and scales of native teachers within the Protectorate. Such action as has been recommended now, was, it will be remembered recommended in very similar form by Mr. E. B. Sargent in his 1905 report. Since that report was written, however, another factor has come into being, and that is, the need for teachers in N'gamiland. As things are, such prospective teachers, in order to reach the Training College at present subsidized, will have to travel over 200 or 300 miles by road, and will then be faced by a railway journey of practically 900 miles, 350 miles of which will be through Southern Rhodesia. The cost would, of course, be enormous, and we are faced with the question of how to meet this difficulty. The suggestion is now made that the Administration should subsidize some Training College in Southern Rhodesia, which college the Protectorate students from north of the Shashi River might attend. By means of vacation courses the same policy might be carried out as in the case of the Training College at present subsidized in the Cape Colony, viz., Tiger Kloof. This policy would have, of necessity, to obtain the full concurrence and approval of the Director of Native Development in Southern Rhodesia. The question may be raised, and quite legitimately, as to why it is not proposed to finance a training college for native teachers within our own borders. The answer to this query is that the various tribal areas are very clearly demarcated, and tribalism rather than nationalism

* Not printed.

predominates amongst the Betswana. In fact, the actual position is almost paralleled by that which obtained in respect of the heptarchy in England in Anglo-Saxon times, and there would be a distinct danger that, if a training college was opened in any one area, natives from other tribal areas would not attend. That this is true seems to have been evidenced at the Motsudi National School, in the Bakxatla Reserve. There is an excellent building and a well-qualified and well-paid European teacher, but the school has in actuality drawn practically no natives from outside the Bakxatla, and any hopes that there may have been of ultimately forming a centre for training teachers at Motsudi have now disappeared. One thing is manifest, and that is that an adequate supply of properly trained teachers for the Protectorate is required, so that the rising generation of Betswana may be roused from a somewhat dangerous state of self-complacence engendered firstly, by their being, up to recently, almost a wealthy aristocracy with its retainers, and secondly by their isolation in the Protectorate from the turmoils and pangs which are being, and have been, endured, of late years, by native peoples in the surrounding countries. This condition of "the world forgetting by the world forgot," has been very inimical to education in the Protectorate, and it is difficult to ascertain its cause, but possibly the following have been contributory:—

(i) The differentiation between service conditions in territories north of the Zambesi and those to the south.
(ii) A standing aloof from the struggles that have occurred in the Union of South Africa pending the formation of a definite policy in that area as regards Native Affairs.

The policy of isolation in matters educational must, however, not be allowed to have an injurious effect. Whilst maintaining and developing its own system of Education based on the peculiar political, social, economic and cultural requirements of the country itself, the Protectorate must at the same time, by contact, endeavour to benefit by all that is to be obtained of a helpful nature from its neighbours' experience in education, and at the same time give its own small contribution in aid of the ever solving but never-to-be-solved problem of educating the African native.

That it can give, as well as take, is certain, and as example one refers to the system of tribal committees for the partial control of native education. These committees working under the guidance of the Central authority, and consisting of the Resident Magistrate as Chairman, a representative of a Mission Society working in the area, the Native Chief, and several other Native members, function admirably, and are in existence in practically all tribal areas. Only in the Serowe area, where one Mission Society, the London Missionary Society conducts, with the aid of a block grant from the Government, its own schools, are things in a bad state. A report which has recently come to hand shows that the Missionary in charge of that work is endeavouring to maintain twenty-eight schools on a sum of £200 from the Government grant, that seven of these schools are under the control of teachers who have not reached Standard I, and that furniture and equipment are utterly inadequate. At the same time, the Bamangwato Tribe, of its own accord and from its own financial resources, is controlling three other schools. It is considered that no effort should be spared to organize education in that area on the same lines as it is being successfully organized in other areas.

One defect the committee system has at present, and that is that there is but little uniformity as regards actual school organization, and even different scales of salary are paid in various areas. It has, however, been decided to form a Central Board of Advice for Native Education, and that Board will have, as its main task, the development of uniformity as regards codes, salaries, &c.

The ten European schools are aided schools controlled by properly elected committees, and instruction is given up to, and including, Standard VI. No secondary education is provided as yet within the Protectorate, but the Administration gives, subject to certain conditions, grants of £30 per annum to those in financial need, so as to enable them to send their children to approved Secondary Schools. Grants of £16 per annum are also given to parents in necessitous circumstances to enable them, if more than three miles from a subsidized European school, to send their children to schools either within or without the Protectorate. The recently drafted and approved regulations governing the award of these bursaries for both secondary and primary education are attached to this report (see Appendices B and C),* and a separate chapter dealing with the indigent, or partially indigent, white parent is added.

* Not printed.

CHAPTER III.

Outstanding Events During the Last Eighteen Months.

The appointment of the present writer in December, 1928, and the establishment of a Department of Education in embryo (even if its personnel has been, and for the present still is, embodied in one individual) meant, of necessity, the securing of data in respect of the field to be cultivated which has for so long remained practically fallow. The task of securing such data has involved much travelling, many interviews, with Magistrates, Natives, Missionaries, School Committees and visits to schools, and last but not least, the perusal of documents and the analysis of reports connected with education, made in years past. As a consequence, the outstanding events to be recorded are not as yet many, but although the scope of the new Department has inevitably been somewhat restricted, yet there are several important facts to be recorded.

In the first place the fact that an appointment was made of an official—even a half-time official—to deal with education can be classed as an event of importance, as it indicated the intention of the Imperial Government to recognize the growing needs of education within the territory.

An important and far-reaching matter was dealt with in the drafting of regulations governing the award of bursaries for secondary academic and vocational work at schools outside the Protectorate. It is now possible for a definite number of the brightest and most needy pupils to secure bursaries, which will enable them to continue their studies up to the end of their eighteenth year. Such aid had been given in 1928 as an experiment for one year, but only during the year 1929 was the awarding systematized. So far the *modus operandi* appears to give general satisfaction.

Another event worthy of special mention has been, one hopes, the final settlement of the vexed question of Setswana orthography. It was long felt that the Setswana language, the language spoken throughout the territory and overlapping into the Transvaal and Cape and Orange Free State Provinces, was in need of a less cumbersome and more scientific orthography. Consequently, when the Union Advisory Board invited official representation on the Committee dealing with Setswana orthography—on which committee were also representatives of the chief missions working in the Protectorate—the invitation was gladly accepted.

The system of orthography as accepted by the Central Orthography Committee (on which Committee the Government was officially represented in the persons of the Government Secretary and the Inspector of Education), will, it is thought, prove more satisfactory than the old orthography, or, it should perhaps be said, old orthographies. It is especially interesting to note that no new phonic symbols of any kind have had to be introduced. It has been recommended that the orthography, as now adopted, be officially recognised, but at the same time, it is intended to give the Mission Press—the London Mission Press—which has done much for Setswana in the past, time within which to make the necessary adjustments in connexion with their own output, and the Natives will also be given time to assimilate the new orthography, but the new system of writing Setswana will come into use at our schools at the commencement of the New Year.

It is fortunate that the orthography question should have arisen and been settled just when there is an urgent demand for new text books in the vernacular. It would, indeed, be fortunate if the Administration could in some way support financially the publishing of these school books which are so urgently needed. Further, it is interesting to know that on the current estimates a certain sum of money has been placed which will enable us to proceed with some of the work forthwith.

Yet another outstanding event was a visit paid by the writer to the outpost European school, and to the native schools situated in N'gamiland. So far as he knows, no visit to these schools had ever before been made by an educational officer. Although in need of technical guidance and "follow up" visits, amazement has to be recorded in respect of what has been accomplished, and the Administration owes a debt to those officials, Missionaries and teachers who have done so much for the advancement of education in that remote and fever-stricken area. Within the Ngamiland area live remnants of many people—Betswana, Bushmen, Damara, Basubia, Makuba, &c.—and the future is pregnant with many possibilities and, to the educationalist, abounds in interesting problems. Photographs* are shown of (i) a school named Munga belonging to the Basubia, and (ii) the European school at Maun, the Magistracy for that part.

* Not reproduced.

It is also legitimate to refer to the attendance of Betswana teachers at two vacation courses recently held. The one at Rosettenville, Johannesburg, was conducted under the joint control of the Transvaal Education Department and the Carnegie Corporation and was attended by eight of the more advanced teachers from the Protectorate; and the other was held at Tiger Kloof, with the kindly consent and aid of the Principal and Staff of that Institution. The latter was organized solely with a view to helping Protectorate teachers and was attended by 33 teachers, mostly unqualified. Both courses were a great success, but the reports show how relatively backward are our native teachers as compared with teachers in the adjoining territories, and how dire a need there is for subsidiary training of teachers. It is sincerely hoped that it will be possible to conduct similar courses annually and to provide facilities to attend them either in the Rhodesias or the Union of South Africa whenever the opportunity occurs. Indeed, it is recommended that for this purpose the sum of £100 be placed annually on the Estimates. Other matters worthy of record have been:—

(i) A conference of educationalists held at Dar-es-Salaam, in March, 1929, at which resolutions were passed which will undoubtedly have far-reaching effects as far as education in this territory is concerned.
(ii) The adoption of the Southern Rhodesian code for use in our aided European schools.
(iii) The drafting of regulations governing the work of committees for both European and native schools.
(iv) The attempt made to standardize textbooks.
(v) The impetus which has been given to work in arts and crafts, and in connexion with work in the vernacular.

CHAPTER IV.

Administration.

From the southern to the northern border of Bechuanaland and measured along the parallel 24° E. the distance is, as shown on the map, nearly 600 miles. From the eastern to the western border and along the latitude 22° S. it is approximately 500 miles. Reference to Whitaker's Almanack will show that the estimated area of the country is 275,000 square miles—slightly more than twice the area of Great Britain and Ireland, and that within this area there was in 1921 roughly a population of 153,000 people of various types.

Within this area there are nearly 100 schools, a few near far-off N'gami, somewhere Mandated South West Africa meets the Protectorate, some in distant Lehututu and Ghanzi, and others on either side of the railway line which extends from Mafeking to the Southern Rhodesian border. And more than 50 miles to the west of that line are schools stretching out into the Kalahari. Whilst most of these schools are within 40 miles of the railway line and are accessible with fair ease, yet there are others which, farther to the west, require carefully prepared trips, involving perhaps several weeks of travel. Mr. Sargent in his report stated: "The chief centres of education can be inspected in a comparatively short space of time, but if an attempt is made to visit the "outstations" a tour of six months would scarcely afford time to see the schools which are situated in such remote places." Since Mr. Sargent wrote his report the number of schools has increased, and even at the large centres, which, he states, can be inspected "in comparatively short space of time," the educational position has changed considerably, as is shown in the following table:—

		School Attendance Estimated by Mr. Sargent in 1905.	*School Attendance Estimated in 1930.*
Serowe	... ...	117	500
Molepolole	... ...	121	360
Ramoutsa	... ...	154	238
Moshupa	... ...	20	123
Kanye	... ...	121	275
Totals	...	533	1,486

The attendance has almost trebled and as a result visits formerly of one day's duration will now have to be extended over two or three days. The same increase holds good in most cases. Mr. Sargent, later in his report states: "The question which

takes precedence . . . is the advancement of the existing staff of teachers to a point at which they can take advantage of a systematized arrangement of school subjects and can classify their scholars properly. This advancement can be effected in two ways: by the patient and friendly explanations of the inspector on the occasion of visits to the schools, as to what may be expected of children in the way of orderly progress in learning in a given time, and by the reunion of the teachers at fixed periods for instruction in the elementary principles of their professional duties. Both the inspector and the vacation course are prime necessities for the teachers in this territory."

Since Mr. Sargent wrote the above, the number of schools and of scholars has increased, but the qualifications of the teachers are much the same, and there is but one educational officer available for at most four school months in the year to do the work of directing, examining, inspecting and supervising. That much has been done during the 18 months covered by this report is due to the unstinted help that I have received from: (i) the clerical staff of the Head Office, though there has been no special clerk to deal with the extra work, (ii) the Resident Magistrates, Missionaries and Teachers who have given so generously of work, advice and hospitality.

A satisfactory educational system is dependent upon, firstly, skilled direction and, secondly, skilled and frequent supervision of the work done at the various schools and institutions, and comment is made in respect of each.

Direction of Educational Work.—The Hilton Young Report drew attention to "the essential unity of African problems" and "the need for a common policy in dealing with all matters affecting the present position and fuller development of the natives." The Director of Native Development in Southern Rhodesia, in his report of 1929 when commenting upon the above, states *inter alia* "that the exchange of experience, in the endeavour to solve these problems between this and other territories is vital to the whole, the fuller knowledge of mutual experiment and mutual endeavour being an invaluable instrument for constructive action of an accredited nature." "That such interchange may be facilitated by correspondence, exchange of curricula, regulations, Advisory Board minutes, reports, memoranda on policy, by inter-territorial conferences and vacation courses, by the development of a liaison through the British Advisory Board, and occasionally by specially conceived inspection tours."

Again at the Dar-es-Salaam Conference of March, 1929, His Excellency the Acting Governor of Tanganyika stated with reference to Education: "There is no subject which has more to gain from friendly discussion around a conference table." At the same conference amongst the resolutions we find: "Co-ordination of policy and the equation of educational standards, in so far as these are desirable, can best be secured by conferences such as these."

It is considered that in order to play its part in "the essential unity of African problems," the Protectorate must have for its educational work a Director, or at least a part-time Director, who will be able to devote part of his time to promoting such unity. Whilst considering the question of unity in African administration it is fitting to mention that several members of the Protectorate Administration attended a course in Bantu studies which was held under the auspices of the Cape Town University. The course included lectures on Native Education, Native Law and Administration, Orthography, and Social Anthropology. Students attended the course from practically every territory in South Africa, and from the Congo, Nyasaland, and Tanganyika. That the course stimulated inquiry and discussion and was fruitful in promoting unity goes without saying. Indeed, of such help are such courses that it is considered that attendance should be encouraged in all ways, and it should be made obligatory for younger members of the Administration to attend them from time to time. The geographical position of the Protectorate being such as it is, it is essential that the Director should, by visits and by correspondence, be fully acquainted with all matters educational affecting the development of the natives in the bordering countries. The system of having, for the present, one person in charge of educational work in the Bechuanaland Protectorate and Swaziland appears to be satisfactory, the officer concerned being able to play his part effectually in promoting in the Imperial interests the "educational unity" so much required, the very definite advantages being: closer co-operation, greater uniformity and less financial expenditure. Direction, as apart from inspection, is an imperative necessity and direction connotes Directors or a Director. Placing the commencing salary of such a man at from £750 by £25 to £900 per annum, it would, if he were to be shared with Swaziland, cost the Protectorate Administration in respect of the coming financial year an amount of £475, with an extra £180 for travelling and subsistence.

Apart from direction there is the question of inspection and supervision of the work at the various schools—European and native.

Except for annual visits paid by the Director of Education and which generally extended over a period of from six to eight weeks, the bulk of the work of supervision has fallen upon the Magistrates and members of various Mission Societies working in the Protectorate, particularly the London Missionary Society. Both have given, and have given generously, of their time, but of necessity the greater proportion of their efforts have to be expended, and rightly so, on their professional and vocational duties. Further, they were handicapped by their lack of technical knowledge of matters affecting education. That they continue to have contact with and knowledge of what is being done in the schools is imperative. In view of our future policy, particularly the policy of the Administration in securing more and more direct control over education, it is of paramount importance that the Administration, rather than the Missions, should accept the responsibility of supervising educational work.

During the past 18 months much of the present Inspector of Education's time has been taken up by administrative work, and this must of necessity continue. There have been meetings with the European Advisory Council, conferences with Mission bodies, meetings with various school committees, Orthography Committees, and with educationalists working in the surrounding territories, preparation of regulations, codes, and salary scales, attendance at vacation courses, the organisation of examinations, and subsequent correction of many papers and the collation of results, and the drafting of estimates. In addition there have been many and necessary interviews with Heads of other Departments in connexion with matters of educational urgency, and inquiries that have had to be dealt with from time to time. Had it not been for the kindly consideration of His Honour and the Government Secretary in allowing me to make use of their own clerical staff, and for the help so generously given by that staff it would not have been possible to pay more than one hundred visits to schools within the territory. Those visits have been made and advice, help, and suggestions given to the teachers, but the essence of such inspection rests in the "follow-up" visit, which should be made within a reasonable period of time. It is essential to have an official who will establish direct and continuous contact with the schools, but it is also imperative to revisit unless inspection is to be largely abortive. Further, the smaller schools in the smaller and more remote centres are most urgently in need of supervision and help. Such being the case—if health and efficiency are to be unimpaired—and always bearing in mind the fact that the present Inspector of Education, is only available for six months in the year for both Educational Administration and School Inspection, it is necessary to appoint a whole time Inspector of Schools for the Territory. Such a man would probably be obtainable on the scale of £450 by £20 to £600 per annum, although in some Provinces of the Union a similar man would reach a maximum of £700 per annum.

It has been decided by various authorities that an Inspector of Schools can adequately supervise the work of from 80 to 100 schools. Bearing in mind, however, the long distances to be travelled in the Protectorate, a total of 80 schools would probably be his maximum, but his visits would be supplemented by visits paid by the Director of Education at regular intervals. Travelling allowance and subsistence would probably mean a further expenditure of £350 per annum, the total money involved during his first year of service under all heads being:—

	£
Salary	450
Travelling Allowance	350
House Allowance at one-sixth of salary	75
	£875

A third matter has to be considered. The Director of Native Development for Southern Rhodesia writes in his 1929 report, and in connexion with the appointment of an Organizing Instructor, as follows: "He will be able to assist in the drafting of courses, the giving of demonstrations, the construction of buildings, the improvement of equipment, the organization of industrial vacation courses, the study of community conditions, so far as these are related to housing, industrial activities, economic factors, recreation and the like, co-operation with inspectors and with the agriculturalist, suggestions connected with adult education." I would also add: "the fostering and development of native arts and crafts in the schools and in the villages, and the finding of, and catering for, markets for the same."

Mr. E. B. Sargent, in his report stressed the need for definite instruction in manual training and all that it connotes, and even suggested the introduction of

teachers from Baroteseland. Indeed, in his famous report written in 1905 on Education in the Protectorate he brought forward as recommendations, what, 20 years later in the Union of South Africa, were regarded as a new revelation in native education. Had the immediate adoption of his recommendations been possible, the Protectorate would probably have been leading in the matter of native development, rather than lagging somewhat behind. It is strange how a recommendation made in a report on our Protectorate should have had so much effect on the surrounding systems of education and so little on our own.

The need for such development in manual arts and crafts, industries, agriculture, &c., involves the appointment of a person solely devoted to that work. If such a position was created (and it is recommended that it should be created), I would suggest the appointment of some person of fairly mature age who already knows something about the country and its potentialities, and the natives and their potentialities. Such a person already in the ranks of the Service could perhaps be found. As salary I would suggest the scale of £450 by £20 to £600 per annum with house allowance at one-sixth of salary, and commuted allowance of £350 for travelling and subsistence. To complete the administrative needs, the appointment of a secretary is to be recommended at a salary on the usual scale, and, for the secretary, office accommodation would be necessary. Up to the present office accommodation for the Inspector of Education and his Department has borne close similarity to the answer of the school boy, who when asked to: "Describe the work and office of a Phophet?" replied: "The Prophets never had an office, they just did their work anywhere!"

One other matter requires to be touched upon. When the writer first visited the country he discovered that working in the Molepole and Kanye areas were two men who were entitled Native School Sub-Inspectors. Special mention is made of their work in the Report which was forwarded to the High Commissioner under cover of Resident Commissioner's despatch No. 656 of 22nd October, 1929. That their work was of little value is certain, but under supervision it has somewhat improved, and is not now entirely of an honorary nature. Possibly, their appointments were political expedients, but although the work of such men as supervisors should be invaluable, yet it is considered that in the present instances it has been somewhat of a failure. The failure is probably due to two causes:—

(i) The antipathy of the tribes towards accepting for work in any one tribal area, a person who does not belong to that tribe.
(ii) The impossibility of securing Betswana, trained in modern educational practice and technique, who could undertake the work.

The second point could be combated by the appointment of trained and experienced men from the Thaba Nchu Area, or from Basutoland, but they might fail in their work for the reasons given under (i). In view of this statement the attitude of the Native Advisory Council held in April last, in respect of Agricultural Demonstrators, is significant—they wished for Betswana only. The writer had had provision made on the current estimates for two supervisors, but in the light of increased experience and the difficulty of securing suitable men, he considers that it would be unwise to make the appointments until such time as the work had been more organized, or that suitable men should be forthcoming.

To sum up: the requirements are:—

(i) A part-time Director at £555 per annum.
(ii) A whole-time Inspector of Schools at £875 per annum.
(iii) An Organizing Instructor for Manual Training and Agriculture at £875.
(iv) A whole-time Secretary and Clerk at (say) £200 per annum.

This represents a total increase for the next financial year of £2,600, with an annual incremental increase thereafter of £100 until a maximum of approximately £3,300 is reached. This figure, taken as a basis the 1929-30 Estimates, would mean an inclusive total cost after some years for personnel, administration, and travelling of £4,000.

At the close of the session of the Native Advisory Council, held in Gaberones on 13th April, 1930, Sebopiwa Molema quoted a Setswana proverb of which the English translation is: "A child who does not cry, will die in the cradle." Our own educational infant, suffering long from malnutrition, but now desperately anxious to grow, and later play a worthy part in the development of the country, has now raised its voice. It is discarding the "comforter," and is demanding better and more nourishing, albeit slightly more expensive, diet.

117

Administration of Educational Finance.

In 1905 Mr. E. B. Sargent, amongst his general recommendations included the following: "The amount of money set aside annually by the Government for education purposes, should in no case be less than 10 per cent. of the Hut Tax, and whenever the Bechuanaland Protectorate becomes financially self-supporting, 20 per cent. of the Hut Tax should be devoted to such objects." Again, "In connexion with the day schools established at the principal villages of the Betswana, it is desirable that there should be some elementary form of local control accompanied by a local rate. But it should be clear, before such a plan is adopted in connexion with any tribe, that the chief and people are well disposed towards compulsory contribution of this character." Following on Mr. Sargent's recommendations it is interesting and informative to study Resolution 27 as passed at the Dar-es-Salaam Conference of Educationalists, March, 1929, which reads: "(i) The Conference is not satisfied that the expenditure on African education bears a just proportion to the revenue accruing from the contribution made by Africans to the general revenue in respect of direct taxation. With regard to revenue from indirect taxation the Conference recognises that reliable statistics are not available, and recommends that there should be a statistical analysis of revenue and of expenditure within each territory for purposes of comparison as between different territories, with a view to showing the expenditure on African Education as a proportion of the revenue derived from (*a*) direct taxation, and (*b*) indirect taxation of the African, and also as a proportion of general revenue. (ii) It is desirable that when this information obtained from the statistical analysis is available, some definite ratio should be established between the revenue derived from Africans and the expenditure upon African Education. Any demand for educational facilities involving the expenditure above the ratio so fixed shall be met by special taxation or by special contribution from the African himself. (iii) The principle suggested in (i) and (ii) above are susceptible of application to other ratios of the community; and for the purposes of these recommendations Arab and African Education may be taken together."

The expenditure from revenue for the year 1929 to 1930 (31st March) show a total expenditure of £143,123, of which amount expenditure on native and coloured education is set down as being £6,765, or a little less than 5 per cent.

In reference to Finance, mention has to be made in respect of one other matter. In the Protectorate, as in most other countries, the school year terminates on the 31st December, and the financial year closes at the end of March. At the close of the school year a number of new financial adjustments have to be made in respect of salaries, new appointments, initiation of new work, bursaries, &c., and the divergence as regards time mentioned above is a particular drawback. It may not be possible to effect the synchronisation of the school and financial year, but some form of supplementary estimates in respect of education, would help to ameliorate what is a really practical difficulty.

CHAPTER V.

The Child of the Indigent European and School Bursaries, and Financial Assistance for Europeans and Natives.

The European Indigent in Our Midst.—In the Bechuanaland Protectorate as in other parts of South Africa, we have what may be termed the Poor White Problem. For an explanation of the term "poor white" we cannot do better than refer to that given by Dr. Malherbe (frequently referred to in this report on our European indigents), in a paper read at Cape Town in 1929, and printed in the South African Journal of Science (Vol. XXVI, 1929). He says, "By 'Poor White' I understand not merely a poor person but also one who has a mental attitude towards life, owing, for example, to lack of intelligence, lack of education, temperamental defects, or to physiological condition which prevents him from rising to, or maintaining a decent standard of living when exposed to the economic forces around him."

Dr. Malherbe goes on to elaborate the causes which have led to the evolution of the poor white, and amongst others gives the following, which apply with equal force to the Union of South Africa and to the British Bechuanaland Protectorate.

(1) The system of inheritance originating from the Roman Dutch Law and "fidei commissa" which has led to the division and sub-division of property.
(2) The non-existence of industries in South Africa to absorb redundant rural population.

(3) The unkindness of Nature as regards droughts and pests.
(4) Malaria and Bilharzia as enervating diseases that sap energy.
(5) The native.

I would also refer to the lure of places most remote from civilisation where there is a possibility of abundant game, and to frequent intermarriage.

Later, in his paper, Dr. Malherbe refers to the fact that, " we have not yet found a single poor white who has had an education beyond the Sixth Standard," and, although he does not go so far as to assume a causal connection between secondary education and economic conditions, yet, he remarks, " the concomitance is rather interesting."

Later, when referring to the failure of education as a " prophylaxis," he mentions the prevalence of retardation in the Union schools and attributes the retardation to " the lock-step system of promotion initiated by the system of individual inspection which prevailed in this country from the time that the Payment by Results system was inaugurated in England in the sixties." He appears to find definite correllation between retardation in schools and " poor whiteism."

The writer considers that, in the Protectorate, we should give serious heed to Dr. Malherbe's remarks. Inspection of the European schools in the Protectorate showed that there was grave retardation, and one child was found who had been in the same class for three years. There were examples of pupils of 17 and 18 years of age being found in Standard V. Repeated failures must have a psychological effect on the children, who will probably grow up with the " I am a failure " concept. The causes of this retardation were, it is thought, partly due to the following:—

(1) The teachers, largely untrained, were themselves products of the system by which the Inspectors of Schools made promotions on the results of their examinations and required that the system used in their time should be used for the children taught by them.
(2) Only brief and, of late years, somewhat irregular visits were paid to the territory by an Inspector of Schools, who, when he visited the schools had of necessity to inspect the results turned out by the machine rather than the machine itself under ordinary running conditions. He had, in fact, to give most of his time to an examination of the product instead of supervising the working of the machine.
(3) The lack of uniformity of code and the frequent changes of staff.

By a process of reorganisation this retardation has been considerably reduced. The teachers have been shown that it is their business to accept the responsibility for promotion whilst it is the business of the Inspector to know the exact standard that should be attained in order to meet present and near-future economic and cultural requirements, and to see that the school machine is so adjusted and used to its maximum capacity as to produce what is required. In order to do this he must be in frequent contact with all home and foreign markets within which the future potential citizen is likely to find scope for his activities. In other words, he must be in contact not only with the Protectorate but with adjoining countries, examining their educational products and machinery and acquiring first-hand knowledge of their future possibilities of employment.

The Financial Aspect of European Education.—If it is agreed that within Education lies the solution of the " poor white " problem, it is necessary to ascertain what is being done in the Protectorate in this respect. As things are at present we have small subsidized schools, amongst a sparse and largely impecunious European population. These schools serve the needs of those who live within a radius of a few miles but in order to help those dwelling at a greater distance from the school the Administration grants an educational allowance of, in most cases, £16 per annum. With the aid of this £16 the parent is allowed either to send his child to some school in the countries adjoining the Protectorate or to board his child near some established school in the Protectorate. It is almost as if a medical adviser financed the purchase of a medicine for a child, leaving it to the generally ignorant parent to decide upon the remedy purchased and to discover where to obtain it. The course of action is equally futile and sterile.

After an exhaustive survey of the position, I feel that, as soon as possible, hostels should be built in those centres where there are distinct probabilities of small townships growing up. I refer to Mahalapye, Lobatsi, and Francistown. Such hostels should be under the control of the Administration. It is only fair to the Administration, however, that the writer should point out that certain educational authorities with whom he has discussed this important matter, have expressed the opinion that great

caution should be used. I quote a passage from correspondence received in this connexion:—

> " With regard to school hostels, I think you should hesitate before putting this directly under the Administration. As such, they become expensive and a considerable tax on our time and energy. I strongly urge you to regard hostels as matters for churches or even private enterprise. Let the Government give a grant-in-aid and exact certain requirements, but do not let it administer these expensive and tiresome institutions."

In this regard I should mention that the Dutch Reformed Church have let me know that they would like to co-operate. However, " Timeo Danaos et dona ferentes." In view of this recommendation it is well worth while to quote the following, as recommended at the Dar-es-Salaam Conference of Educationalists held in March, 1929. The Conference recommended that:—

> " (ii) in view of the scattered and floating nature of the European population the various Governments should consider carefully the advantages of—
> (a) concentrating the bulk of European children in boarding schools, with generous conditions in respect of tuition and boarding bursaries; and
> (b) providing adequate grants-in-aid to approved private schools;
> " (iii) the Governments of the territories concerned should consider the possibility of concentrating higher secondary education at a relatively small number of places."

To these hostels should be drafted all children whose parents are unable to pay the whole or part of the boarding or tuition fees. It is recommended that the amount of relief to be afforded should be based on the taxable incomes of the parents. The taking away of bursaries already granted is not advocated. It is suggested that they should be allowed to lapse with the effluxion of time, but once the accommodation is provided then it is strongly urged that no fresh grants should be given to enable any child within the Protectorate to be educated outside the Protectorate. These suggested hostels would provide the solution to problems such as the following which has recently arisen at Kakia. An apparently indigent parent, living miles from any established school is, it is alleged, having his children taught by a native teacher in the native teacher's sleeping apartment.

I press for the establishment of such a hostel at Lobatsi, where the need is greatest at the present time. There is an adequate school building there, to which, at a cost of approximately £150, might be added a large classroom capable of accommodating 40 pupils. There also, in a fairly healthy spot, with Government land, an available water supply, and a hospital and railway near by, could be established a hostel, under the control possibly, of a Government Pensioner and his wife, who should undertake the supervision and control of the inmates at a salary of £96 per annum, including board. A rough ground plan of such a hostel, with accommodation for 20 boys and 20 girls is attached.* The capital expenditure for its erection would probably approximate the sum of £1,750. Assuming the entire cost of boarding an absolutely indigent pupil to be £20 per annum, the actual capital expenditure, plus annual recurrent expenditure, would be (based on the accommodation of 40 pupils) approximately as follows:—

Capital Expenditure.	£
Additional accommodation at existing Lobatsi school	150
Erection of hostel and initial provision of equipment	1,600
Total	£1,750

Annual Recurrent Expenditure.	£
Salary of hostel managers	100
Extra male teacher at Lobatsi school	300
Boarding of 40 pupils	850
Contingencies and native labour	150
Total	£1400

If this (perhaps at a first glance somewhat alarming) figure of £1,400 as annual recurrent expenditure is examined, it will be found to be little more than is at present expended in bursaries for Europeans in the Lobatsi and Gaberones area. In any case, even were the sums involved larger, " ce n'est que le premier pas qui coûte."

* Not reproduced.

The abolishment of the small schools which already exist at Pitsani and Hildavale is not at the moment contemplated. For the present they should remain as they are so as to meet the requirements of the small European communities at these centres.

In connexion with this recommendation as to hostels, the following excerpt, once again from Dr. Malherbe's report, is given in particular reference to indigent boarding houses: "Poor white children who have been collected in the indigent boarding houses and who attend the good village and town schools are about a year ahead (standard for standard, and age for age) of the children in the small rural schools, which cater for the owner class as well as for the poor. . . . As a result of better teaching and better food, the indigent boarding house child, after his eleventh year, outstrips not only the farm school child, but also many of the better-class town children from good homes. The gain they make varies almost directly with the efficiency (and sympathy) of the supervision in the boarding houses, trained teachers getting infinitely better results than "hulsvaders," whose sole qualifications are that they failed as farmers and can pray piously in church meetings."

The suggestion as regards hostels is not based altogether on excerpts from Dr. Malherbe's paper or on vague theories of the writer, but partly on the results of an experiment which has been carried out at Tsessebe under the management of a very devoted lady teacher. There, certain children have been boarded—under somewhat primitive conditions it is true—but a more thriving "well-being" and "well-doing" little school it would be difficult to find.

An immediate commencement is pressed for at Lobatsi, where the need is most imperative, but it is the considered opinion of the writer that similar hostels should be built at Mahalapye and Francistown, and possibly—although that centre has not yet been visited—at Ghanzi.

In respect of secondary bursaries it is not proposed to make any particular comment except to say that the schemes which were brought into operation—they are attached to this report—(*see* Appendix B)* appear to be working satisfactorily as they affect all concerned.

Bursaries for Natives.—There is provision at the present time by means of which the sons of Chiefs, headmen, and other influential natives can be sent out for secondary training of various types. This privilege does not extend to the rank and file of the Betswana nation. Meanwhile the Betswana does not encourage the alien teacher in his midst—*vide* Report of Native Advisory Council held in Gaberones in connexion with appointment of Agricultural Demonstrators. Therefore it is an imperative necessity at the present time that promising material should be sent to other territories for training as teachers, nurses, demonstrators, interpreters, dispensers, &c., until the Protectorate possesses its own institutions for such training.

The provision in respect of chiefs, and headmen is considered wise. The system of chieftainship must of necessity tend towards conservatism and were not measures taken to keep successors to the chieftainships in touch with modern tendencies and ideas there would be the danger of the growth of an "intelligentzia" class whilst the mass following the leadership of the chief would remain untouched by education. Education does not aspire to raise the few but rather to leaven the mass. At the same time the writer considers that there should be provision for selecting from the mass for possible financial assistance towards secondary education, individuals of outstanding promise. Such assistance is not at present available. In order to select such individuals, it would probably be advisable to hold, towards the end of each school year, a uniform examination of the pupils in Standard VI—on the results of which examination, carried out partly by the teacher, under supervision, and partly by the Department, a school leaving certificate could be awarded. At the same time, it would be possible, from the results, and with reports as to personality, character, and financial need, to select a possible five pupils yearly, who would be financed at the rate of £20 per annum, each for a period of not longer than two years in respect of approved secondary education at some institution outside the Protectorate. It is not recommended that the existing arrangements in respect of chiefs be interfered with in any way.

To introduce the recommendation would mean for the first year an extra £100 on the estimates and in subsequent years an amount of £200 per annum. In respect of N'gamaland, however, where teachers are urgently needed; where it will for long be necessary to employ the indigenous article of the unqualified type, and where present conditions make it almost impossible for a child to proceed beyond Standard IV, it is suggested that the Inspector of Education in consultation with School Committees be allowed to recommend for bursaries pupils who have passed Standard III or IV for a further period of two years at an approved school in either Southern or Northern

* Not printed.

Rhodesia, at a cost to the State of not more than £15 per annum each. This would mean provision for the first year of £60, and of £120 per annum for each subsequent year. The total amount required then, apart from the provision already made in respect of the grant for children of Chiefs and headmen, would amount to:

1st Year	...	...	...	...	£160
2nd Year	...	...	...	...	£320

For many reasons other than those stated it would be desirable to have the Standard VI examination alluded to above brought into effect at the beginning of November during the present year, but the writer hesitates on the score of overburdening his already heavy work of directing, inspecting, supervising, and doing a considerable portion of the clerical work involved thereby, in two territories. It is not the actual work that deters but the feeling that anything attempted should be thoroughly completed, "*ab ovo usque ad mala.*"

CHAPTER VI.

Native Education, its Organization, Content and Curricula.

(*a*) *Organization of the System.*—The system which has been evolved and is generally in vogue throughout the Protectorate is as follows. There is for each tribe, or each clearly demarcated section of a tribe, a school committee consisting of the Resident Magistrate as Chairman, a Secretary who is generally the European Missionary in charge of the most widely recognized Church within the area, the native Chief of the tribe, or section of the tribe, concerned, and several other natives.

Such a committee prepares estimates, decides where schools shall be established, attends to equipment, and appoints and pays, out of the Government allowance, the salaries of teachers. Although perhaps somewhat redolent of the time in England when the squire and the rector controlled the parish school, yet the system has worked well, under guidance, as in the case of the Bakxatla and the Bamalete. During the period under special review the writer has paid particular attention to the functioning of these committees in the Bangwaketsi and Bakwena Reserves, where, with the help of the Resident Magistrate, Mr. Cozen, in the case of the former, and of Captain Stigand, I.S.O., now Assistant Resident Commissioner, in the latter, extraordinary progress has been made. Committee meetings held in N'gamiland, the Tati Area, Gaberones and Mochudi, have also been attended personally and as a result of the experience gained and information received, the writer has no doubt that it would be of benefit to Education generally throughout the Protectorate to bring all native education under the immediate control of such committees. One of the main advantages which will accrue will be that native education will not be divorced from the kindly advice and helpful supervision of Magistrate and Missionary. At present, there are but two areas where the tribal committee does not function as set out above. The one area is that belonging to the Bamangwato settled around Serowe, the other in Francistown district, but of the last-mentioned nothing will be said, as arrangements have been made already to bring the schools in that area under the predominating system. Special and somewhat detailed mention, has, however, to be made in respect of the Bamangwato.

Yearly, and over a considerable period of time, the Administration has given a grant to the London Missionary Society for educational work amongst the Bamangwato, of approximately £250 (in the 1929-1930 Estimates it is given as £300), but as far back as 1905, Khama showed a tendency towards establishing his own tribal school, independent of any special aid from the Administration and independent of missionary control. Later, he established certain schools of which the large and well built, well-equipped and well-attended Khama Memorial School is one, and which are definite tribal schools. Parallel with the establishment of these schools, the London Missionary Society continued, with the aid of the Administration, to control such schools as were already in existence and even with missionary zeal and endeavour opened more schools. As a result, to-day we have amongst the Bamangwato, at and around Serowe, a most peculiar position. On the one hand, there are certain schools belonging to the tribe, within which technically speaking, the writer has no right to enter—such right would, of course, never be refused by so courtly a person as the Bamangwato Chief—and, on the other hand, we have the London Missionary Society attempting to run 28 schools on a grant of £200 per annum. In the case of the Mission, the result has been lamentable and has meant poorly qualified and poorly paid teachers, seven of whom have not

even passed Standard I; frequent changes of staff; poor equipment, and poor buildings. The following extract from a letter dated 7th July, 1930, completes the picture:

> "My predecessor experienced difficulty in running the District Schools on the £200 allocated to them annually from the Government Grant made to the London Missionary Society for Protectorate Schools, and after I took over the Mgwato District from him, a little over a year ago, I found that the schools as they stood could not be carried on with a grant of only £200 per annum. At the annual meeting of our London Missionary Society South African District Committee in March, 1929, an application for £250 instead of £200 was approved for submission to the Government, but only £200 came to me. At 31st March this year the District School Account showed an accumulated debit balance of £149 12s. 11d. This sum has to be borrowed from Local Mission Funds which in consequence have been severely strained. Hence, my laying of the whole question before our District Committee at its meeting in Johannesburg in May, and afterwards before Mr. Haile as our Education Officer.
>
> "You will see from the statement I enclose that £256 10s. is required from Government Grant for the year ending 31st March, 1931, for salaries alone. This is a bare minimum which allows nothing for furniture or equipment. You will notice from the figures tabulated that the salaries (including fees which are added to the Government Grant) are very low compared with the salaries paid to southern Protectorate teachers. I know most of the schools in the southern Protectorate, and I have found that the schools in the Ngwato Districts are not less developed than those in the south except that they have less furniture and equipment, and only one certificated teacher. The teachers on the whole are very loyal and anxious to do their best, but it is very obvious that they and their schools are being starved. If from funds in hand the accumulated deficit of £149 12s. 11d. to which I have referred can be met and the sum of £300 instead of £200 be granted for the current year the situation will be immensely relieved."

"*Hinc illae lachrymae.*" It is to be noted that the Missionary in charge says, "The situation will be immensely relieved." True, but what is required is not merely relief, but complete restoration to health, and it is believed that that can be effected by the amalgamation of tribal schools and mission schools and the establishing of a controlling committee such as exists in other tribal areas. Possibly the one real difficulty which stands in the way is that within Serowe there is a very large school belonging to the London Missionary Society. This school has been controlled for many years by the present Principal, Miss Sharp, and it is understood (though not definitely ascertained) that Miss Sharp, owing to the organization of the London Mission, is in actuality responsible only to the oversea Board of the Mission, and not to the local Missionary. It is probable, though, that Miss Sharp, who for so many years has done much useful work on behalf of the Bamangwato, would be willing, for sake of educational progress, to allow what may be termed her school, to come under the control of the Committee. On the other hand, it is certain that the committee in view of Miss Sharp's past services and of what she has done for them and given to the Bamangwato, would do its best to allow her a fair margin for her individuality. Attached to this chapter is given a statement showing the present position of the London Missionary Society schools in the Serowe Area: see Appendix D.

Uniformity in respect of the establishment of tribal committees throughout the country will not, however, be a solution of the whole problem, although it will be a considerable factor in the solution. There must also be uniformity as regards the conditions under which the committee are to work and a certain amount of uniformity in respect of codes, salaries, appointment of teachers, examinations, bursary awards for teacher training, agricultural and industrial work, nurse training, and status and range of schools. A few remarks are made in respect of some of these points:—

(i) *Regulations.*—These have already been drafted, and after having been advised upon by Magistrates, are about to be put into use: see Appendix E.*

(ii) *Code.*—This will be referred to later in this chapter.

(iii) *Salary Scales.*—A suggested uniform scale, such as is urgently needed has already been drafted and distributed for comment and criticism. All replies have not yet been received, nor has it yet been ascertained what financial adjustments will be involved. A copy of the suggested scale will be found in Appendix F,* and the salaries arranged therein are on a par with those paid in the Union of South Africa. When the scale is

* Not printed.

120

finally published a saving clause such as "subject to the necessary provision being made by the Administration" should be included.

(*b*) *Factors bearing on Native Education.* The State, the missionaries, and the natives have all three definite spheres of influence on native education, and in dealing with any policy in native education, the State should avail itself of the help of missionaries and natives. Reginald Balfour, in 1901, and Sargent, at a later date, both recommended that a Central Board of Advice, having as members certain officials and missionaries, should be constituted so as to keep His Honour informed on all matters connected with education in the Protectorate. This Advisory Board should concern itself with the following matters amongst others: (*a*) proposed education estimates; (*b*) the Draft Annual Report; (*c*) any proposed school course or regulation of a general character affecting the conduct and finance of the schools.

This year the proposals made by Balfour and Sargent have been agreed to with one addition, that being that there will also be native representatives on the Board. Financial provision has been made in the current finances for the payment of expenses of such a Board, and it is hoped that its first meeting will be held in November this year.

With all education under the immediate supervision of tribal committees working under a set of uniform regulations, with a Central Board of Advice on which State, Missionary, and native are represented, and with competent professional direction, we shall have an organization able to deal with the educational position as it exists to-day. With such an organization we shall be doing our share towards the gaining of "essential unity" as desired by the Hilton-Young Commission, and may be able to contribute in some measure to the solution of South Africa's greatest problem, "The Development of the Native."

Classification of Schools.—Within the Protectorate there is not at present any school proceeding with work beyond Standard VI, nor, except in some of the larger stads, is there any clear demarcation as to what work may be legitimately attempted within a school. Hence, one finds (as was recently the case at Kachikau) an almost illiterate teacher attempting to teach English and other subjects to pupils in Standards IV and V. The Rev. Donald Fraser, when he wrote, "The scientific pedagogue may scorn the simplicity of the village teacher, but for pioneering education he is invaluable, and the Church, and Commerce, and Administration owe more to him than can be counted . . ." pleaded the case of the unqualified teacher in the smaller school, and he is of course essential at present in our educational system. But his scope must be limited to what he can adequately attempt. An unqualified mechanic may be able to remove a tyre and mend a puncture, but it would be folly to allow him to attempt to fit new pistons into the engine of the car. He is allowed only limited activities in the workshops. Similarly, it is suggested that the unqualified teachers' activities should be limited within the one teacher school. He or she should not be allowed to teach beyond the second or first standard, and possibly in accordance with a modified code. Not yet, but perhaps at some future date, it may be possible with the aid of subsidiary teacher training, to rule that no unqualified teacher who has not passed Standard IV shall be allowed to teach in a controlled school. By the acceptance of the above we should then have two classes of native primary schools, which might perhaps be termed vernacular schools, and primary schools, the former working from the lowest classes up to and including Standards I or II, and the latter from the lower classes up to and including Standard VI. Later it might be possible further to sub-divide the primary school into upper and lower departments, the upper concentrating upon the work of Standards V and VI.

Classification within the School.—In most Bechuanaland Primary Schools the following amazing order of progress was noticed:—

A B C Class
Sepeleta Class
Setswana Class
Primer Class
Infant Reader Class
Standard I.

Thus five classes, or five school years have to be completed before Standard I is reached. That Sargent also noticed and disapproved of this system of classification within the schools is evidenced in many of his reports, particularly one written on the London Missionary Society School at Serowe. He then, as the writer does now, recommend that the five classes be rearranged so as to occupy two school years (two classes) before Standard I was reached. How the system of having so many classes

prior to Standard I originated is obscure, but possibly it had as its aim and completion of all Setswana work before English work was commenced. If that was indeed the aim, it is opposed to the wrtier's considered opinion that work in the vernacular should carry over and permeate the whole of the school curriculum, and that prior to Standard I there should only be two classes within which the elements of language work, number work, &c., should be taught. It is ridiculous in schools, which are and must be for a considerable time, understaffed, and certainly in one-teacher schools to impose the task of teaching five groups rather than two. Further, there is the ill-effect upon the child of remaining in the infant division of the school even after a period of early adolescence has been reached.

Curriculum and Content.—It has been decided that for the present the code used in the Cape Colony for native schools shall, with slight adjustment, be used in our Protectorate schools. After consultation with the Board of Advice it is intended to try out a suggestive code during the year 1931, which will be based somewhat on that of the Cape Colony; but in the words of the Director of Native Development, Southern Rhodesia, as given in his 1929 Report: "Any resulting code will always be tentative, in that it must suffer constant readjustment, since we are dealing with development and not with finality." As regards content, one cannot do better than quote again the words of the writer above-quoted, as they indicate precisely the direction in which our own ideas lie.

> "We must liberalise all courses by keeping near to, rather than departing from native needs; that we must reverence the foundations possessed by the native tribes to ensure the building up of worthwhile concepts; that vernacular studies must come into their own and receive progressive treatment; that, when English is introduced, it must be suitable in scope and be based on the Direct Method; that familiar situation must be our starting point in arithmetic as in other subjects; that Hygiene should include constant applications to the home and school life of the pupils with definitely practical lessons, when the playing fields could be drained, the compost cleared up, the guttering cleaned, the walls whitewashed, the rubbish collected and burned, the cattle kraal suitably moved and the mosquito breeding places attacked; that industrial activities suitable to the locality and the type of school be introduced throughout; that the development of indigenous music be encouraged; that recreation, to include native games, and approved rhythmic dances, receive adequate recognition; that as soon as we have trained teachers capable of giving suitable lessons in the nature study of the veld and forest, the wayside stream and the rock crowned kopje, such matter be included in our curriculum; that the introduction of simple civics connected with native life be introduced wherever possible, and that in place of the individualism, uniformities and competitive spirit engendered by most curricula, we should endeavour to foster social activities, co-operation, mutual service and withal, individuality. This can be assisted by the presentation or by the attitude inculcated. In concluding this section, the following short extract from Donald Fraser is suggestive:—
>
> 'If what is taught within that building is only for use in school hours, and has no influence on the social and personal habits of the people, it remains a foreign institution, unable to function as it should in transforming native life from a crude barbarism into a progressive civilisation.'"

A final word may perhaps be added in respect of vernacular studies. It is a strange fact that so far as the writer can ascertain, and he has sought diligently, there is not apparently anything obtainable in Setswana literature that has been written by a Motswana. The search for the origins underlying this fact is outside the scope of a report of this nature, but it must be accepted that some of the blame is to be attributed to our schools for not giving to Setswana that weight which it should have as the home language of the people. Again, progress in the vernacular is handicapped by the unsuitability of the vernacular textbooks that are at present used in the schools in respect of their content and method. With the exception of the "Sepeleta" and the first Setswana Reader, there is practically nothing outside the realm of what may be termed religious books that can be used in the schools. The Sepeleta has done yeoman service and has been sold in thousands, and on account of this enormous output it is sometimes claimed to be ideal as a school textbook. In the writer's opinion it owes its success not to its suitability as a school book, but entirely to the fact that it has been practically the only book available.

Now that the vexed question of Setswana orthography has been settled, the question of providing really serviceable textbooks in the vernacular must be broached; and should be one of the first matters to engage the attention of the Board of Advice when it meets in October next. Up to the present all useful publication work has been in the hands of the London Missionary Society and it is not outside the bounds of probability that they may be prevailed upon to co-operate with the Administration in satisfying what is a most urgent need. With this end in view it is suggested that £100 be placed aside annually for the purpose of furthering the supply of suitable textbooks and for fostering the growth of literature in the vernacular. Part could be definitely utilized for the purpose of aiding or purchasing publications, and a

121

small portion utilized to foster literary endeavour in the vernacular amongst the Betswana themselves by means of prizes. This latter suggestion has just been submitted for approval in respect of the current year, a sum of money for such purposes having been placed on the current estimates.

CHAPTER VII.

Coloured Education.

The term "coloured" in this connexion connotes what are generally known as the "half-castes," and as in most South African countries so also in Bechuanaland Protectorate we have this problem of the half-caste to consider. For the children of these people there are at present two schools: the one at Francistown in the north, where there is a building of good type and with good equipment; the other at Molepolole in the south, where the children are taught during the afternoons of week-days in a fairly large, but very dilapidated hut, of rondavel type, by the European who also teaches at the European school in the morning. The equipment is very meagre, and should be improved at an early date, and the parents of the children attending the school should support the Government in its endeavour to help their children by repairing the school room. The children also might during school hours, under the guidance of their teacher and as a very necessary part of their education, do something towards repairing the building and keeping it in a more clean and tidy state.

It is important in a report of this nature to point out that there are two divergent policies as regards the Coloured question. The one is (and it has in essence been fostered by recently proposed legislation within the Union of South Africa) to regard the coloured people as being entirely divorced from the native in respect of culture and aptitude, and to give them separate schools and institutions, as is now done by this Administration at Francistown and Molepolole. The other policy is to regard them as having a greater affinity with the native than with the European—possibly based on the fact that the colour generally came from the maternal side—and to offer them the same rights and institutions as are enjoyed by natives. At present it is not desirable to offer comment as regards the two policies or to make any recommendation as to which should be adopted, but it should be pointed out that to some extent the problem seems to be solving itself, for throughout the country one finds that those who appear to tend physiologically or psychologically more towards the native are securing education in our native schools, whilst those who approximate more closely towards the European as regards colour and culture are finding education in the European schools

In countries which are in their early stages of development there is always bound to be a certain amount of miscegenation in the early days, but the gradual growth of public opinion supported sometimes by State legislation generally effects a reformation and reduces the matter of so-called coloured education to a manageable minimum.

In view of what has been said about it, and in view of the great difficulty that exists in defining what is meant by a "Coloured Individual," it is thought that it would be well to limit our activities in respect of school for coloured children to the two schools that we already possess, and to allow other children when possible and when approved by the communities concerned, to be merged in either the European school or the native school, with the proviso that in either case they shall conform to the regulations and code existing in those schools.

In respect of the two special schools already in existence, it is suggested that they continue to use the code as used in the European schools; that whenever opportunity occurs "Coloured Teachers," able to give instruction of an industrial nature in addition to their ordinary work as teachers, be employed; and that arrangements be made to offer yearly one bursary of £20, tenable for two years, to a child attending either of the existing Coloured schools for further education of an industrial or vocational nature, provided that he or she has passed the sixth standard and that there is financial need. "Let Time Serve!"

CHAPTER VIII.

European Education, its Organization, Context and Curricula.

Organization.—The Acting Governor of Tanganyika, Mr. D. J. Jardine, O.B.E., in his opening speech to the delegates attending the Education Conference held in Dar-es-Salaam in March, 1929, stated: "There are 905 European chidren in this territory of whom less than 300 are of school age. These 300 belong to no less than

eleven European nationalities, and they are scattered over 375,000 square miles in a Territory where communications and transportation present great difficulties."

The conditions mentioned above bear so close a similarity to the conditions obtaining in our own territory, except perhaps for the number of nationalities involved, that the resolutions framed at the Conference should be found most helpful in our own attempts to deal with European education in the Protectorate. They are given later and need careful consideration. Scattered throughout the Protectorate we have ten European schools, which are aided by the Administration, and which are controlled by school committees working under regulations drafted by the Administration. Of the work done by the ladies in these schools, for with one exception all the teachers are of the gentler sex, it is practically impossible to speak too highly. What has led them to teach in this most interesting but somewhat undeveloped country, whether it be economic pressure, the love of the wild, or the genuine pioneer spirit, it is impossible to say; but there they are doing work of the utmost value to the State. They are generally poorly paid, often but ill-housed, exposed to climatic dangers, and teaching in buildings which it is a misnomer to call School buildings; yet now that their work has been organized and made more uniform it compares most favourably with work done in schools much more favourably situated and circumstanced. To the school committees there must also be given a word of praise for their real interest in the school and teacher, for their genuine keenness in advancing the interests of education, and for the help they, together with the teachers, have so generously given the writer in adopting any suggestions that he has made.

Indeed, so well are these schools functioning, that it is not proposed to recommend any alterations in their status. Such recommendations that have to be made are concerned with:—

(1) The provision of hostel accommodation in centres close to existing schools where they are situated in localities likely to be centres of growing European settlement.
(2) The improvement of salaries and allowances.
(3) Better housing for teachers.
(4) Medical assistance in time of need.

The first matter has been dealt with in another portion of this report. As regards the second, a proposed scheme has been worked out and submitted to the European Advisory Council for comment, but its full implications have not been worked out: (See Appendix "G.")* Points (3) and (4) are already receiving attention, and as regards the latter, our thanks are due to the Principal Medical Officer, Dr. Dyke, for the prompt action that has enabled the teachers to receive benefit from his own department on most generous terms.

Curriculum.—As has been stated in another section of this report, the syllabus which has been brought into use throughout the European schools is that of Southern Rhodesia, and reasons for its adoption are given in Appendix "A." Interim Report of 2nd March, 1929.* Certain slight alterations in the code have been made with a view to meeting the peculiar requirements of the Territory, and eventually our own code will develop from it as that of Southern Rhodesia developed out of the Cape Code.

It is of interest to know that in the case of the examinations for children in Standards V and VI a considerable amount of the written work, based on the Southern Rhodesia Code, is examined by external examiners, from Southern Rhodesia and from the provinces of the Union of South Africa, all intimately and directly concerned with education. Thus there will be little chance of the standard of work in the Protectorate being lower than that in the surrounding territories, and we can be assured that any certificates given in the Protectorate in connexion with Standards V and VI will equate with similar certificates given in the Union or Rhodesia.

A matter that needs particular mention in connexion with European education is the presence in some of our schools of a large number of children whose home language is Dutch. Indeed, in such schools as Hildavale, Pitsane and Lobatsi, the exception would be to find an English-medium child. The question of medium is then a real matter of concern. The Dar-es-Salaam Conference passed a resolution (Resolution IX) on this matter of language, and had in mind the schools in Kenya Colony attended by Dutch-speaking children. Sections (*a*) and (*b*) of the resolution are given in full:—

"*Resolution IX.*—The Conference recommends that—
(1) in schools maintained by Government:—
(*a*) the medium of instruction should be English throughout, provided that *where there is a homogeneous group of children whose home language is not English, it shall be permissible to utilize the language of the group in order to facilitate instruction at the earliest stage*, and where possible the Government should supply a teacher capable of affording such facilities;
(*b*) no provision should be made for instruction in any language (as a subject) other than English before the stage is reached at which the second language is appropriate in the curriculum."

* Not printed.

122

As regards the general aims of the curriculum for European schools, the following, culled from the report of the Dar-es-Salaam Conference, indicates the factors which we in the Bechuanaland Protectorate must also bear in mind:

"*Curriculum in European Schools.*"

"The curriculum must take account of the environment of the East African child. It must take account of his life under a tropical sun with all the varying conditions of tropical fauna and flora which affect his outlook at all times. It must take special notice of his daily contact with uncivilised races. One of the tasks which the school has to take up, and perhaps the most important of all its tasks, is to create an atmosphere of right relations between the European and the African. This will involve some study of native life and, if possible, of native history and folk lore; a study of at least one native language will be helpful. At the same time, it must be recognised that some at least, probably many of the boys and girls in East and Central African schools, will wish to carry on their education in Europe. There must inevitably be a struggle between the African and the European outlook, especially in the later stages of the work of the secondary school. The secondary school will for some be the completion of their school education, for others it will be a preparation for further education elsewhere. The different points of view are, however, not irreconcilable; provision can be made for the gradual development of the African outlook into a wider European view, without necessarily surrendering the valuable elements of the local environment."

In order to make our teachers conversant with these broader aspects as affecting their work, with a view to keeping them up to date in all matters affecting teaching method and technique, in order to give them an opportunity of meeting together as a corporate body and of obtaining those social contacts which are so necessary in a country such as ours, I recommend that from time to time there be arranged for them a vacation course at some centre in the Protectorate. Possibly it might be arranged so as to occur a few days prior to the annual "Bisley" meeting. Further it is suggested that a special sum of £50 be set aside on the next estimates for the purpose indicated. Before closing this section of the report, I wish to refer to the desirability of promoting in respect of our European boys and girls, wherever it is posible, the Boy Scout and Girl Guide movements for which our country is so admirably suited, and also to the desirability of doing everything possible to encourage libraries both for schools and homes. As regards this latter, the writer will conclude by again quoting from Resolution XXI of the Dar-es-Salaam report:—

"*Resolution XXI.* The conference anticipates that one result of a successful experiment in correspondence tuition will be the spread of books and the encouragement of private reading, and considers that the organization of libraries for children and adults must for the present be a matter for each territory within its own borders.

"In view of the need for special effort to induce reading in Africa, the Conference recommends that the various Governments should lend financial support to approved schemes which aim at meeting local needs."

Subject to certain conditions, the Carnegie Corporation is willing to give substantial financial aid, and it might be possible to make certain schools and police camps distributing centres for books circulated throughout the territory.

CHAPTER IX

Summary of Recommendations, and Conclusion.

(*a*) *General.*—(1) Every effort should be made to organize native education in the Serowe area (Bamangwato) on the same basis as it is organized in other parts of the country by placing it under the control of a Tribal Committee.

(2) As uniformity, or some measure of uniformity, is urgently required in respect of salary scales, code, and regulations governing the scope and work of Tribal Committees, which have already been drafted, the Central Board of Advice on Native Education should meet as soon as possible, so as to advise on the above matters, and also to consider the provision of more adequate textbooks in the vernacular for use in our native schools.

(3) Provided the High Commissioner's approval of the new Setswana orthography is secured, it is recommended that such orthography be introduced into our schools as from the beginning of the year 1931.

(4) The possession of some form of certificate showing that a native pupil has reached a definite stage of efficiency at school is desirable, and with that object in view it is desirable that an examination be held at the completion of the Standard VI year.

on the results of which School Leaving Certificates will be issued to successful candidates. The same examination would serve as a guide to the selection of certain pupils for bursaries in aid of teacher training, agricultural training, nurse training, &c.

(5) It being very necessary to define exactly the work to be attempted at any school, it is suggested that the schools be as from the beginning of the next year (1931) classified as follows:—

Vernacular Schools.—From 1st year up to and including Standard II.

Primary Schools.—From 1st year up to and including Standard VI. At a later date the primary schools may be again sub-divided into primary schools, working up to and including Standard IV, and higher primary schools working with Standards V and VI.

(6) Coloured schools should be limited to those now in existence.

(7) In the interests of promoting "Essential Unity" every effort should be made by means of correspondence, visits to neighbouring territories, and attendance at conferences, meetings, shows, &c., to co-operate with the Educational Administration of such countries in matters affecting education as a whole (the visits not to be limited to the personnel of the Education Department).

(*b*) *Financial.*—(1) Bearing in mind the fact that native teachers are urgently required in the far northern portion of the Territory, and that the cost of travelling from those parts to the present subsidized Training College at Tiger Kloof, is very great, and further that it will be necessary to rely mainly on the services of the indigenous teacher, with possibly subsidiary teacher training, it is desirable to explore the financial possibilities of securing for such teachers training in Southern and Northern Rhodesia (those countries bordering on that portion of our territory and within which kindred dialects are used).

(2) The value of vacation courses in respect of subsidiary teacher training and rekindling enthusiasm and professional keenness having been proved, it is recommended that a sum of £100 be placed annually on the estimates for the financing of such vacation courses for native teachers, and that an additional £80 be placed on the next estimates as provision for a similar course for European teachers to be held if possible just prior to what is known as the Annual Bisley meeting.

(3) The growth and expansion of education, together with the need for co-ordinating our educational system and working in co-operation with other territories in connexion with African and European education, together with the need for regular, systematic visits of inspection of schools, and the following up of visits to schools, and the consequent clerical work involved make it incumbent to recommend the following appointments:—

(*a*) A part-time Director of Education at a total cost of £555 per annum.
(*b*) A full-time Inspector of Schools at a total cost of £875 per annum.
(*c*) An organizing Instructor of Manual Training, and Agricultural Training at a total cost of £875 per annum—as from 1st April, 1932.
(*d*) A secretary and clerk at £200 by £15 to £360.

(4) The educational interests of the Bechuanaland Protectorate, having due regard to the problem of the indigent or partially indigent European parent will best be served by the establishment of hostel accommodation at Lobatsi, and probably Mahalapye and Francistown, and as a consequence it is urged that a sum of £1,750 be set aside for capital expenditure required; for erection of increased accommodation at the existing Lobatsi school and for the erection of a hostel, and that a sum of £1,400 per annum be placed annually on the estimates as recurrent expenditure for the boarding of 40 pupils, salary and board of hostel managers, and for additional teaching staff, native labour, equipment, and contingencies (fees to be demanded, at a rate to be agreed upon, from those able to pay).

(5) In view of the necessity for having a steady supply of trained native teachers, of giving to certain natives opportunities for secondary training of an industrial or vocational nature, and consequently of securing financial provision which will enable selected candidates from schools south of parallel 22, to go to schools and colleges outside the Protectorate, it is recommended that five bursaries of the value of £20 per annum each be awarded annually, to be tenable for a period of two years. Further, it is suggested that special bursaries of £15 per annum each be given in respect of schools north of parallel 22, to be awarded yearly to four pupils from schools in that area (bursaries to be tenable for two years at schools or colleges situated within either Southern or Northern Rhodesia).

(6) The urgent need for satisfactory textbooks in the vernacular makes it

123

desirable that £100 should be placed on the estimates with a view to aiding the publication of suitable books, and fostering the advancement of vernacular literature.

(7) As a direct aid to the coloured people it is suggested that each year, one pupil from the two established coloured schools, be awarded a bursary of £20 per annum, tenable for two years, and subject to the pupils having passed Standard VI, for approved industrial or vocational training at some approved institution.

(8) That the financial year does not synchronize with the school year causes difficulties of various kinds, and it is suggested that it might be possible by some means of re-adjustment to overcome the difficulties encountered.

Conclusion.—This report has had of necessity to be somewhat full and also largely in the nature of a survey, but the matter it contains clearly indicates that education within the Protectorate is at the dividing of the ways. On the one hand, we have the Scylla of increased financial expense, and on the other, the Charybdis of disappointing both Europeans and natives by maintaining a policy of *status quo*. We find our educational barque perforce in the current, which is rapidly growing in strength, and the possibility of steering it safely depends not only on the soundness of our craft but also on the help and sympathy of owners, pilots, harbour masters and others.

My thanks are due to all those Magistrates and Members of the Headquarters' staff, who have suffered my importunities so willingly and given of their hospitality so generously. Particularly I would mention the Government Secretary, who has shown such a vital and keen interest in my work and without whose aid the pitfalls had been many, and also Mrs. Harris whose help has been readily and cheerfully given in connexion with the multifarious extra duties imposed upon her.

Finally, I must thank the Financial Secretary and his staff for very invaluable help and assistance, and Your Honour for the sympathy and forbearance which has been shown to a new and clamorous, albeit embryo, department.

H. J. E. Dumbrell,
Inspector of Education.

30th July, 1930.

Enclosure 2 in No. 117.

Board of Advice on Native Education in the Bechuanaland Protectorate.

1. The Board shall be styled in all correspondence and in general "The Board of Advice on Native Education for the Bechuanaland Protectorate."

2. The personnel of the Board shall be: His Honour the Resident Commissioner, or his nominee, as Chairman; the Asst.-Resident Commissioner; the Government Secretary; the Inspector of Education; the Principal Medical Officer; the Chief Veterinary Officer; or alternative Government Officials to be appointed by the Resident Commissioner in each case; one European representative each from the London Missionary Society, the Dutch Reformed Church, the Church of the Province of South Africa, the Roman Catholic Church; and one representative each year in turn from each of the other Missionary bodies interested in Native education within the Protectorate, and commencing with the Rhenish Mission; and one European representative of the various Native Tribes within the Francistown area. Also, there shall be four representatives, Natives, in respect of the following Tribes:—The Bamangwato, the Bangwaketse, the Bakwena and the Bakxatla.

3. All non-official European and all Native representatives on the Board shall be nominated by the Resident Commissioner.

4. Only such European Missionaries as are definitely engaged upon Educational work within the Protectorate or at Tiger Kloof shall be eligible for nomination. Nominees may be of either sex, but shall be over 21 years of age.

5. The Board shall meet once a year, between the 1st and 15th of November, at Mafeking, or at such other place or at such other time as may be decided upon by the Resident Commissioner.

6. Railway fares shall be paid by warrant in respect of all journeys from the Railway Station nearest the Member's residence to Mafeking and back, for the purpose of attending meetings of the Board, or to and from such other centre as may be decided upon from time to time, and subsistence shall be allowed at the following rates:—

Europeans.—15/- per diem with maximum of £3.
Natives.—7/6 per diem with maximum of £1 10s. 0d.

Time spent in travelling to be reckoned in calculating these allowances.

7. The functions of the Board shall be for the time present to advise the Resident Commissioner on the following matters:—

(*a*) Annual estimates submitted by the Native School Committee;
(*b*) The standardization of School Teachers' salaries and treatment of disciplinary matters arising among the teaching Staff in Protectorate Native Schools;
(*c*) The School calendar and syllabus;
(*d*) Orthography and Text Books for Native School use;
(*e*) The lines on which examinations should be conducted and the certificates that shall be awarded;
(*f*) The training of teachers;
(*g*) Any other matter which the Inspector of Education may bring before the Board;
(*h*) School Committee rules.

8. The Board itself, at its Annual Meeting, shall elect an Honorary Secretary, who shall remain as Secretary until such time as the next Annual Meeting is held, when another Secretary shall be elected, or the services of the former Secretary be retained.

9. Proper minutes shall be kept by the Honorary Secretary of all Meetings and shall be circulated by him to all Members of the Board from time to time. At all Meetings subsequent to the first the last Minutes shall be read and approved before other matters on the Agenda are proceeded with.

10. The Honorary Secretary shall be reimbursed by the Administration for postage incurred by him reasonably on Board work, and on production of a duly certified list.

11. No financial responsibility shall be incurred by becoming a Member of the Board of Advice.

12. At least four weeks before the Board sits for its Annual Meeting Members will be invited to submit for the Agenda topics that they wish to be discussed. All topics for the Agenda before appearing on the Agenda paper must be approved by His Honour the Resident Commissioner.

13. Deputies in place of nominated representatives shall only be allowed at the discretion of His Honour the Resident Commissioner. Eight Members, including the Chairman and official Members, shall form a quorum and no Meeting shall be held unless there is such a quorum.

14. Motions may be put in the ordinary manner and voting shall be by a show of hands; the Chairman having a casting vote; but it is to be clearly understood that the only function of the Board is to give advice and no motion although passed unanimously will be binding on the Administration.

15. It shall be within the power of His Honour the Resident Commissioner to add to or to decrease the Membership of the Board at any time on three months' notice to the Honorary Secretary.

Enclosure 3 in No. 117.

Board of Advice on Native Education.

MEMBERS:—

Resident Commissioner (or his nominee as Chairman)	His Honour Lieut.-Col. C. F. Rey.
Assistant Resident Commissioner	Captain Stigand, I.S.O.
Government Secretary	C. L. O'B. Dutton.
Inspector of Education	H. J. E. Dumbrell, M.A.
Principal Medical Officer	H. W. Dyke, M.B., Ch.B. (Glas.)
Chief Veterinary Officer	W. H. Chase, O.B.E., F.R.C.V.S.
	(or alternative Government Officials to be appointed by the Resident Commissioner in each case.)
London Missionary Society	Rev. A. J. Haile, M.A. Principal Tiger Kloof.
Dutch Reformed Church	Rev. J. Reyneke, Mochudi.

124

Church of Province of South Africa	Rev. G. Smith, Molepolole.
Roman Catholic Church	Monseigneur Meysing, O.M.I., Vicar Apostolic, Kimberley.
Rhenish Mission	Rev. E. Fitschen.
European representative of Native tribes of Francistown area	H. S. Gordon.
Four Native Representatives—	
Bamangwato Tribe	Chief Tshekedi.
Bangwaketsi Tribe	Chief Bathoen.
Bakwatla Tribe	Chief Isang.
Bakwena Tribe	David Kgosidintsi

20251/2.

No. 118.

DESPATCH FROM THE HIGH COMMISSIONER, SOUTH AFRICA, TO THE RESIDENT COMMISSIONER, BECHUANALAND PROTECTORATE.

(*Copy received in Dominions Office on 22nd December, 1930, under cover of High Commissioner's despatch No. 600 of 3rd December, 1930.*)

(No. 2172.)

SIR, High Commissioner's Office, Pretoria, 29th November, 1930.

I HAVE had under consideration your despatch No. 1850 of the 6th November* submitting, together with your proposals and observations, a copy of a Report by Mr. H. J. E. Dumbrell on Education in the Bechuanaland Protectorate.

2. I have read this Report with great interest and I am much obliged to Mr. Dumbrell for his valuable review of the educational problems of the Protectorate. I much appreciate also the care which you have given to the consideration of the various questions involved.

3. With reference to the question of the personnel of the Education Department I have to make the following observations.

Inspector of Education.—I am doubtful whether, having regard to the circumstances of the territory, the time has yet arrived for the creation of a post of "Director" of Education, and in view of the short period which has elapsed since Mr. Dumbrell assumed his duties I think that the question of a change in the title of his office should be deferred for the present and that consideration of an alteration in his scale of emoluments should be postponed until he has reached the maximum of the existing scale of £600—£25—£700.

Inspector of Schools.—I shall be prepared to submit to the Secretary of State a proposal for the appointment of an inspector to assist Mr. Dumbrell in his work. The scale of salary to be attached to the post should be at the rate of £400 rising by annual increments of £20 to £600—which is the scale sanctioned in respect of similar posts in Basutoland—plus free quarters, or if they are not available, an allowance (not exceeding one-sixth of his salary) in lieu thereof.

Instructor in Manual and Agricultural Training.—I shall also be willing to give consideration to the appointment of an officer in this capacity. I think however that the scale of salary should not for the present at any rate be higher than that which I propose for the post of Inspector of Schools, viz., £400—£20—£600, plus free quarters, or an allowance in lieu thereof, but if an officer at present serving under the Administration is selected for the post it may be necessary to fix his salary at a higher rate than the minimum of the scale.

Clerk to Inspector of Education.—This appointment has already been sanctioned and the requisite financial provision made in the Estimates for the current year.

4. As regards the reference in your despatch to a proposed revision of the duties of the Inspector of Education, I would observe that I attach great importance

* No. 117.

to frequent inspection of the schools, and in order to enable the Administration to judge the value of the work, concise reports should be furnished by inspecting officers upon individual schools dealing with such matters as, *e.g.*, the personality and qualifications of the teachers, the attendance of pupils, scope of tuition provided, numbers of pupils in each standard, school equipment, conditions of buildings, extent of improvement as compared with previous reports, particulars of any defects, etc. I wish to emphasize, therefore, that the proposal to appoint a school inspector should not be regarded as intended to lessen the extent of the work of inspection to be carried out by Mr. Dumbrell, but rather as a measure designed to increase the inspectorial work which can be undertaken. I am surprised to learn from the particulars given in paragraph 24 of your despatch of the short period of time spent by him in the Protectorate and at Mafeking during the present year, and I should be obliged if particulars could be furnished showing how many weeks he has been able to spend in the Protectorate and Swaziland respectively (*a*) on inspection work and (*b*) on office work at headquarters. I note that you are in consultation with the Resident Commissioner of Swaziland as to the time which Mr. Dumbrell should devote to the Protectorate. As at present advised, I think that his time should be divided between Swaziland and the Protectorate on the basis that he would spend five months of the year in each territory and that the remaining two months should be available for visits outside the territories and for work at Pretoria. The possibility of Mr. Dumbrell making his headquarters either at Mafeking or Mbabane should be discussed with him.

5. As regards the proposed appointment of an Instructor in Manual and Agricultural Training, I note that it may be possible to find a suitable man for the post among the present members of the Service, and I gather that if the proposed new appointment is sanctioned and the officer whom you have in mind is found to be suitable for the post it may not be necessary to replace him in his present appointment, and that in that event the amount of the emoluments of his existing post will be available as a " set off " against the cost of the new appointment. In this connexion I would observe, with reference to the remark in paragraph 22 of your despatch as to the importance of administration in the work of education, that it would appear to be essential to ensure that the selected candidate possesses the qualifications necessary to enable him not only to inspect and organize but to give practical assistance to teachers in the best methods of manual and agricultural instruction.

6. *Education in the Bamangwato Reserve.*—I have noted the observations contained in paragraph 13 of your despatch, and that it is contemplated that the administration of the Mission and Tribal schools shall be carried on under the supervision of a Central Committee consisting of the Magistrate and representatives of the Missions and the Chief, and that this plan has received the concurrence of the local missionaries and the Acting Chief Tshekedi. I agree that the formation of a controlling body in the form of a central committee on which the Administration will be represented is very desirable, and there would not appear to be any reason why such an arrangement should not work satisfactorily. I appreciate that you recognise the importance of maintaining and encouraging the interest and co-operation of missionary bodies in educational work among the natives, and I am confident that every opportunity will be taken to convince them that the Administration welcomes their help and is anxious to render every possible assistance to the Missions in their religious and educational work in the Protectorate.

7. I agree that the grant of £200 to the London Missionary Society is inadequate as a contribution towards the maintenance of 28 schools, but I assume that not only has the Society contributed largely from its own resources in the furtherance of its work among the Bamangwato but that the natives themselves have also given financial assistance. Now that the position with regard to lung-sickness among the natives' cattle has assumed a more satisfactory aspect I hope that it will be possible to curtail expenditure on animal diseases and that the greater part of the monies collected from the Bamangwato in respect of the Native Fund may be utilized for other services, including education, of direct benefit to the natives. With reference to the observations in paragraphs 11 and 12 of your despatch regarding Mr. Sargent's suggestions as to the financial provision to be made in respect of Native Education out of the revenue of the Territory, you may perhaps be aware that in the case of Basutoland as much as one-quarter of the annual revenue from Native Tax is set aside, and together with the whole of the proceeds of an Education Levy at the rate of 3s. per annum paid by each taxpayer, amounting in all to approximately £50,000 per annum, is placed to the credit of an " Education Fund " constituted by law and used to defray the expenses of education among the Basuto, and that in addition the cost of the

salaries and travelling expenses of the Government administrative and inspectorial staff is defrayed out of the ordinary revenue of the Territory. Unfortunately the limited resources of the Bechuanaland Protectorate and its inhabitants and other urgent demands upon the funds at our disposal have not hitherto allowed of similarly liberal financial provison for education in the Protectorate, and I fear that for some time to come at any rate our ability to provide for the educational requirements of the Bechuana must continue to be restricted by the amount of the funds which can be made available for this purpose.

8. *Central Advisory Board.*—I am glad to learn that it has been found practicable to establish a Board of Advice, and I am sure that as in the case of the similar Board in Basutoland it will prove most useful. I have learned from a separate despatch which you have addressed to me that the first meeting of the Board took place on the 10th and 11th instant, when various questions relating to te new education proposals were discussed. I shall be glad if you will arrange for copies of the Minutes of the proceedings at the annual meetings of the Board to be forwarded for my information and for transmission to the Secretary of State.

9. I shall be prepared to give consideration to proposals for the training of native teachers in Rhodesia when a definite scheme has been prepared. I shall also be willing to consider in connexion with next year's Estimates the financial provisions which you propose to make in respect of vacation courses for European and native teachers and Bursaries for native teachers, and for the provision of Text books. I presume that Mr. Dumbrell's suggestion (see page 232 of his Report) that bursaries might be provided to enable five selected native pupils to proceed each year to secondary schools outside the Territory, with a view to their eventual training as teachers, nurses, demonstrators, etc., will also receive consideration.

10. As regards the questions relating to the provision of educational facilities for Europeas children, I have given careful consideration to the views expressed in paragraphs 16 and 17 of your despatch and also the relevant portions of the Inspector's Report. I appreciate the arguments put forward in favour of a scheme for the establishment of hostels, but it seems to me questionable whether at the present time the Administration would be well advised to adopt this proposal. As pointed out on page 230 of the Report some Authorities consider that great caution should be exercised in the matter, and that the Administration should hesitate before proceeding to adopt a policy of establishing school hostels under Government control and at public expense. For the present I think it would be preferable to continue the system of granting bursaries to assist parents to arrange for their children to attend existing schools in the Protectorate, or where this is not practicable to send them to schools in the Union or Rhodesia. As regards secondary education for European children, I adhere to the views expressed in my despatch No. 168 of the 22nd February, 1928, that we should not attempt to establish an expensive secondary school in the Protectorate for the small number of children who would be able or likely to attend it, but that we should provide for the grant, subject to certain prescribed conditions, of bursaries to enable those parents who need assistance for the purpose to send their children to the larger secondary schools in the Union and Rhodesia. Such a system has many advantages, having regard to the peculiar conditions of Bechuanaland, not the least of which is that it enables children who have been accustomed to the circumscribed conditions which prevail in the Protectorate to be brought into contact with others who have had the benefit of more favourable surroundings and have lived in the larger towns or more settled European areas in South Africa.

11. In conclusion, I would add that while I am very willing to give sympathetic consideration to any suggestions designed to improve the educational arrangements of the Protectorate both as regards Europeans and natives, and I am confident that my successor will be equally ready to receive and consider proposals to that end, I think it advisable to emphasize the importance of exercising caution in the consideration of schemes which may lead to substantial expenditure, and the necessity of ensuring that the Protectorate will be able to provide not only the money required for capital expenditure but also for the annually recurrent charges which may be involved and which must be met out of annual revenue.

I have, &c.,
ATHLONE,
High Commissioner.

10455/2.

No. 119.

DESPATCH FROM THE RESIDENT COMMISSIONER, SWAZILAND, TO THE HIGH COMMISSIONER, SOUTH AFRICA.

(Copy received in Dominions Office on 9th March, 1931, under cover of High Commissioner's despatch No. 120 of 20th February, 1931.)

[Answered by No. 120.]

(No. 49.) Resident Commissioner's Office, Mbabane, 2nd February, 1931.

SIR,

I HAVE the honour to submit a copy of the Annual Report of the Inspector of Education, Swaziland, for the year 1929. I regret that owing to an oversight this report was not submitted at an earlier date.

2. I have the following comments to make on the report:—

Chapter I.—Subject to Your Excellency's approval, I consented to the resolution of the European Advisory Council that every child in Swaziland should be granted one year of free education in Standard VI, and that in the case of indigents, the ordinary bursaries might apply. I do not anticipate this will cause any excess in expenditure. With the further concessions in free education I am satisfied that under the present financial conditions, this Administration is doing all that can be expected for the education of Europeans. The result of the examination held in conjunction with the Transvaal authorities is a satisfactory verdict on work done in some of the schools in the Protectorate.

Chapter I.—The Board of Advice for Native Education meets twice a year, and has proved of great value. The full amount of the grant to Missions is now paid out on a definite salary basis. At the time of writing, the grant provides for teachers at sixty Class I, twenty-one Class II, and five Class III schools, in addition to grants for special teachers, and for the training of native nurses

Chapter I.—The lack of interest taken by the Administration in the Swazi National School of Zombodo, had resulted in a state of affairs which was most deplorable. The Committee which I appointed in 1929 agreed with me that the only remedy was to reorganize and reconstruct the school at a new site.

Chapter II.—The work of the Education Department has been separated from the Government Secretary's Office, and the relationship of the Inspector of Education to the latter now is similar to that of other Departmental Heads. With the experience now gained from Mr. Dumbrell's reorganization, it is evident that an all-time clerk will shortly be required; in the meantime as soon as building permits, I propose to make the headquarters of the Education Department at the Swazi National School, where clerical work can be the part-time activity of one of the staff.

Chapter III.—I concur generally in Mr. Dumbrell's observations on European Education (Primary), and, where possible, steps are being taken in conformity with his recommendations. In addition, a regular medical inspection of schools and scholars has been instituted.

Chapter III.—My lack of experience of the Union makes it difficult for me to appreciate to what degree the isolation, &c., of teachers is more emphasized than in similar posts elsewhere in South Africa. I am in agreement that reasonable housing should be provided. Both the provision of better quarters, and a more attractive scale of salaries are eminently desirable, but cannot be contemplated without increased financial assistance.

The proposal to run motor-bus transport for scholars of a small school to attend a larger, has proved ineffective owing to prohibitive cost.

The provision of free board and lodging at central hostels is desirable, and, in the meantime, steps are being taken to interest private individuals to establish suitable hostels

A copy of the Interim Report on European Education referred to was submitted under cover of Mr. Nicholson's despatch No. 364 of the 18th November, 1929*; see also his letter No. 767/29 of the 20th December, 1929,† to the Imperial Secretary.

Chapter III.—The suggestion of annual vacation courses has my full sympathy, and it is hoped an initial experiment may be made this year.

Chapter IV.—Equipment and Buildings.—The buildings and equipment will in future be planned in consultation with the Inspector of Education, the Principal Medical Officer, and the Government Engineer, and the comments of Mr. Dumbrell under this head will be communicated to the teachers of the various schools, and any

* 10455/1: not printed. † 10455/3: not printed.

126

expenditure necessary will be authorized. There should be no difficulty in providing from local supplies, trees and flowers for gardens at the schools.

Chapter V.—The proposals for a vocational or a commercial secondary school to be opened in southern Swaziland, have my support, but I have not been able to recommend the expenditure which would be entailed on account of the lack of funds. The utmost that can be considered at present is that every child in the Territory should have an opportunity of obtaining an education up to and including Standard VI, which should mean leaving school at the age of 15 or 16 years.

In connexion with Mr. Dumbrell's comments on St. Mark's School, and the report of his inspection, I would point out that the Venerable Archdeacon Watts and this Administration relinquished all right and interest in the buildings, &c., in order to permit of a Company being formed to enable funds to be raised for the building of a hostel, and for enlarging the school building. The Constitution of this Company was approved, and it has now been able to obtain certain loans and grants from the Rhodes Trustees and others. The Administration has two representatives on the Council of this school, one of whom, since the report was written, is the Financial Secretary, and they will be able to furnish information how the grant is expended. Free secondary education does not include the supply of free text-books. It would not be competent for the school authorities to demand tuition fees for Swaziland scholars in the primary schools. Scholars from outside the Territory pay £5 per year for tuition fees.

Chapter VI.—Mr. Dumbrell's recommendation that five bursaries be granted for Standard V and Standard VI children has been acted upon, and promising pupils, whose parents are in such financial circumstances that it is necessary for them to receive aid from the Administration, have been selected. The recommendations that a grant for a scholarship of £80 for two years should be made once in three years on conditions suggested by Mr. Dumbrell will be considered, and, if the financial position warrants it, I shall recommend the proposal for favourable consideration.

Chapter VII. General.—I am in agreement with Mr. Dumbrell's programme for 1930.

The Aims of Native Education.—A copy of the revised syllabus* mentioned under this heading is submitted for Your Excellency's information.

Improvement of Health.—Steps are being taken to train four female native nurses at the Raleigh Fitkin Memorial Hospital, Bremersdorp, and when the Mbabane Hospital has been completed, it should be possible to train a few more there. A medical officer, with a knowledge of public health work, will assume duty shortly. His duties will cover the whole of the Territory, and should result in an improvement of the health conditions both at the native schools, and among the natives themselves.

Training of Leaders.—Mr. Dumbrell's recommendations on this subject will be borne in mind, and when the Swazi National School has been built, it may be possible to carry out his suggestion.

Native Education.—The Board of Advice on Native Education consists of:—The Resident Commissioner, the Assistant Commissioner, Mbabane; the Inspector of Education, the Principal Veterinary Officer, the Principal of the Swazi National School, two Members of the European Advisory Council, a representative of each of the Missions and the Secretary of the Board. The Board meets biannually, to discuss questions affecting native education. It is probable that many of the smaller schools will be closed as a result of the policy regarding the basis of the payment of grants recommended by the Inspector of Education, and approved of by the Missionaries. Night schools are not now being subsidized.

I endorse Mr. Dumbrell's remarks on the excellent work carried out by the five Class III schools. It is proposed to give a grant-in-aid to each of these schools of £70 as recommended.

Coloured Education.—Most valuable work has been done by the Venerable Archdeacon Watts, and later on, by the Rev. F. E. Osbourne and Rev. W. E. Dawson, in the education of the coloured children (Eurafricans) in the Territory.

Mr. Dumbrell states the two institutions for coloured education differ in two essentials. But there is a third, and an important one. Whereas the Florence Mission is situated in a part of the country where there is a coloured community, owning land and intermarrying, a definite group in the State, the Mpolonjeni Mission recruits its scholars by seeking them out of native kraals from all over the country. I confess to some doubt as to whether this is a wise policy, but I prefer to make no further comment until I have had greater experience of the problem.

Native Education.—From certain despatches on native education, I must conclude that Mr. Dumbrell is mistaken in presuming that no general inspection

* Not printed.

of native schools had been carried out for several years before his arrival, but from the evidence of schools I visited soon after my arrival, I agree that little or no attempt had been made to follow out any suggestions recommended from these earlier inspections. In fact, a complete lack of interest in native education characterized the attitude of the Administration.

I have reiterated the fact that there are too many small schools, and some reduction is being made.

The recommendation* and the classification of schools have been accepted by the Mission Societies, and are now the basis on which Government grants are made. The increase of expenditure sanctioned in 1930-31 under this heading has allowed the suggestion made† to be carried into effect.

The Swazi National School is slowly materializing, the first building being now in course of erection. The expenditure is met from the Swazi National Fund. This school, I am very sure, will in time prove itself to be the most important factor in the civilization of the Swazi nation.

I have, &c.,
T. AINSWORTH DICKSON,
Resident Commissioner

Enclosure in No. 119.

REPORT OF INSPECTOR OF EDUCATION, SWAZILAND, 1929.

Historical Survey of Education in Swaziland.

In August of the year 1902, a Special Commissioner was sent to Swaziland for the purpose of restoring order, the war of 1899-1902 having first been brought to a close. He was accompanied by a force of South African Constabulary and a few officials, amongst whom was Mr. B. Nicholson, C.B.E., D.S.O., M.C., now Government Secretary of the Territory, to whom the writer is indebted for the matter and details contained in this part of the report.

With the advent of these officials, organized educational work commenced, for they established contact with the people of the Territory, European and native, and opened schools at centres where there were more or less settled communities of Europeans, mostly Dutch, who had been impoverished by the war of 1899-1902. Under an Order in Council of 25th June, 1903, Swaziland came directly under the jurisdiction of the Governor of the Transvaal. Later, and in 1906, when the change in the form of Government of that Colony took place, by means of another Order in Council promulgated in December of that year it was decreed that the control of Swaziland should be vested in the High Commissioner for South Africa.

During this period, from 1905 to 1907, education was not neglected, for the Report on the Territory for the year 1907 to 1908 shows that there were then in existence three Government Schools for Europeans with an attendance of 73. The one at Ferreira Station was opened in 1905; Hluti in April, 1907, and Bremersdorp about the same time. Further, there were about 21 schools for natives, which were under the ægis of the following societies:—

Scandinavian	9 schools.
Anglican	5 ,,
Wesleyan Methodists	2 ,,
African Methodist Episcopalian	3 ,,
Independent Methodist Episcopalian	1 ,,
Independent Methodists	1 ,,

The total attendance at 16 native schools in Hlatikulu district was 289, and the total expense in connexion with education—European and native in that district—was £833 for the year. About this time the Zombode Government School for natives was established, and there the Paramount Chief received his early training.

In 1905 the Administration realized the importance of having the schools properly inspected, and a Mr. Davis, originally a teacher in the Transvaal, and at that time in charge of a small school at Mbabane, was made itinerant head master. About 1907 Mr. Davis appears to have left for other work, and Mr. Warner, one of the officials who came to the Territory in 1902, and who had training as a teacher and had taught at St. Andrews, Grahamstown, became, in addition to his other duties, Inspector of Schools for the Territory. Mr. Warner, who only recently retired from the position of Assistant Commissioner, Mbabane, supervised the work of the schools until 1908.

During that year it was arranged that Mr. I. H. Dutton, O.B.E., M.A., then Inspector, and now Director of Education for Basutoland, should pay periodical visits to both Swaziland and Bechuanaland to inspect, examine, and advise as regards the

* *See* page 259. † *See* page 261.

127

educational work. His first visit was made in 1908, and from this report we learn that there were then in Swaziland four Government schools for European children, and one native school under Government control for the sons of chiefs. It is worthy of being placed on record that this native school, now Zombode School, was in charge of a native teacher named Joseph James, who qualified as a teacher in 1876. His work was reported on always as being exceptionally good. He was the pioneer native teacher of Swaziland. From 1908 until about the year 1922, Mr. Dutton continued to visit the schools annually, and to him and to the Assistant Commissioners, who acted as school managers, attendance officers, and Directors of Education, &c., for their districts, is due the very satisfactory report, which follows, and which is taken from the Official Year Book of the Union of South Africa (No. 3) 1910-18:—

> "A Primary and Secondary School was started at Mbabane by the Venerable Archdeacon C. C. Watts, M.A., and one for coloured persons near the same place. Schools are inspected annually by the Inspector of Education, Basutoland, and there are eleven schools for white children in the territory—the average attendance during 1918 to 1919 being 302. The average attendance at the coloured school was 62, and at the Government native school, Zombode, 83.
>
> "There are about 1,500 native pupils at the various Mission schools. A number of the more advanced pupils, both boys and girls, are sent out every year to be trained in the Union of South Africa at such places as Lovedale, Tigerkloof, Indaleni and Amanbimtoti Institutions. The young Paramount Chief was educated at Zombode and Lovedale. The cost of tuition and board is paid from the Swaziland National Fund, which was created in 1911 with the consent of the Swazi Chiefs for purposes of direct benefit to the natives. Each native taxpayer is required by law to pay 2s. per annum to the fund, the expenditure of which is under the control of the Government."

In the year 1922, and at the special request of the European Advisory Council, the Venerable Archdeacon Watts, M.A., who had shown the greatest possible interest in the education of Swaziland's youth—European, native and coloured—was asked to inspect and report upon the system of education as it was then in Swaziland and to furnish a report. This he did. His report pleaded for:—(1) The establishment of a small Department of Education for Swaziland. (2) For the centralization of the children of "poor whites" in a central school with hostel attached.

Mr. I. H. Dutton, who also reported, was inclined towards the views that follow:—(1) That Swaziland was too small to have its own Department and that it would probably be more economical if the education of the European children was put under the Transvaal Department. (2) That the boarding of the children of "poor whites" would prove too heavy a burden for the Administration to bear. (3) That native education should be controlled by a Specialist Department. From the year 1922 it became impossible for Mr. Dutton to visit Swaziland regularly on account of his growing work in Basutoland, and each year other people from outside of Swaziland were engaged to examine and report on the work of the Swaziland Schools. In 1923, Messrs. Botha and Visser of the Transvaal Education Department, visited and reported, and from 1925 to 1927 Mr. Iwema, of St. Andrews College, Grahamstown, carried out similar work.

In December, 1928, Mr. H. J. E. Dumbrell, B.A., was appointed as Inspector of Education for Swaziland and the British Bechuanaland Protectorate; the arrangement being that he should spend approximately half of his time in each Territory.

The following shows the expenditure on education at various times during the period under review:—

Financial Year.	*Amount spent from General Revenue on Native Mission Schools.*	*Amount spent from Swaziland National Fund on Native Mission Schools.*	*Total spent on Education generally.*	*Remarks.*
	£	£	£	
1910-11 ..	125	—	1,499	——
1915-16 ..	—	—	3,339	£2,950 from General Revenue. £389 from Swazi National Fund.
1919-20 ..	—	600	5,881	£3,865 from General Revenue. £2,016 from Swazi National Fund.
1925-26 ..	—	1,000	8,200	£6,090 from General Revenue. £2,110 from Swazi National Fund.
1927-28 ..	—	1,350	9,296	£6,994 from General Revenue. £2,352 from Swazi National Fund.
1928-29 ..	900	1,400	11,059	£8,505 from General Revenue. £2,554 from Swazi National Fund.

CHAPTER I.

Outstanding Events of the Year.

Twice during the year I have met the members of the European Advisory Council, and the results of the meetings have been to me invaluable. At the meeting of the Advisory Council which commenced on 11th December, 1929, the resolutions were put forward asking that every child in Swaziland should be granted one year of free education in Standard VI, and that in the case of indigents the ordinary boarding bursaries might apply. To both of these resolutions His Honour the Resident Commissioner agreed. The result is that free education in Swaziland is advanced by one year. Another important departure connected with European education was the adoption, with permission of the Director of Education, Transvaal, of the Transvaal High School entrance examination for Standard VI, and School Leaving Certificate for Standard VI. The examinations were held simultaneously with those in the Transvaal, and the various papers were marked by external examiners. The results obtained were most creditable to all concerned and have served to show that the work in some of our schools compares very favourably with that done in the neighbouring Province.

During the year, with the indefatigable help of the Principal Veterinary Officer, Mr. W. Elder, O.B.E., F.R.C.V.S., an attempt was made to introduce a maize competition amongst the boys attending the primary schools. Under the terms of the competition the boys were allowed to attempt the cultivation of an acre of maize at their homes, the Administration finding the seed, but the boys having to do all the work themselves, to secure manure, and to see to weeding. The attempt was only a partial success, probably due to its novelty, but another attempt will be made this year and a better response is expected. An arbor day was also instituted and trees were planted at all schools by individual scholars.

At Goedgegun, in southern Swaziland, a large hall, which will serve also for school purposes, was opened, and has relieved the considerable overcrowding which existed at that school. Towards the end of the year it was decided to recommend the closing down of the Ferreira School, which is only about five miles from the Goedgegun School, and to make arrangements for the daily transport of pupils from Ferreira Station to Goedgegun by motor bus, this being the first step towards concentration of education in south Swaziland at Goedgegun.

In connexion with native education there have been several events of outstanding importance. In April His Honour called together a meeting of representatives of the various Missions working in Swaziland to consider the Interim Report on Native Education,* which is attached to this report, and as a result of the meeting, it was decided that half of the grant paid to the Missions for educational work should be paid out on a definite salary basis to teachers. Later in the year another meeting was held with the Mission heads, who had now been formed into a Board of Advice on Native Education, to discuss the new scheme of payment.

A Committee, consisting of the Assistant Commissioner, Mbabane, the Principal Veterinary and Agricultural Officer, the Inspector of Education, the Paramount Chief of the Swazis, and two native chiefs, was formed to manage the Swazi National School at Zombodé—a school financed solely out of the Swazi National Funds. As a result of the Committee's labours it has been decided to commence Secondary work at this institution. The Swazis have given about 150 acres of land for this purpose, and there it will be possible to teach such things as agricultural training, woodwork, &c. Previously, Swazis who needed such training were sent out to the institutions in the Union where such training could be obtained. It is hoped that all the necessary buildings, &c., will be erected with native labour and with some help from the school children. The whole of the Institution will be, in fact is, under the control of a European teacher, who has been seconded from one of the Swaziland Schools for European children.

The final event of importance has been the appointment of a Native Supervisor, whose duty it is to travel from native school to native school aiding and advising the teachers, stimulating interest in education amongst the parents and demonstrating teaching methods in the various schools. His work is proving a great success. The Code for Native Schools has been revised, and now makes full provision for the teaching of nature study, hand work and craft work, gardening and sewing.

During the coming year we hope to bring about a greater state of efficiency in all native schools and to ensure that the grants-in-aid are only expended on native schools, doing work which is worth while and in accordance with departmental regulations and requirements.

---

* Not printed.

128

CHAPTER II.

Before my arrival in Swaziland the educational work was done by the Government Secretary's office, which acted administratively and in matters of general policy. Now that education here is being reorganized on a modern basis and in line with current methods of educational administration, the clerical work involved is rapidly becoming so highly specialized and so extensive that this arrangement is no longer practicable. The Education Department records alone are now clamouring for special accommodation. A liaison must be maintained between the overseas educational authorities, the various British dependencies in Africa, the adjoining provinces of the Union of South Africa, and between the two Protectorates of British Bechuanaland and Swaziland which share the administrative offices of the writer. This liaison concerns such matters of vital importance as uniformity of orthography, textbooks, public examinations, university training, codes in use, conferences, &c.

The work of the Inspector of Education, when he is in Swaziland, is done in odd rooms, very kindly placed at his disposal. Naturally, during his absence, these rooms are accessible to all and sundry, whether under the control of the Government Secretary or otherwise, who are in search of records. Some degree of confusion inevitably results.

The actual clerical work of the Inspector of Education is not a matter of grave difficulty in ordinary times, when educational correspondence should occupy from two to three hours per day. Formerly a clerk associated with the Government Secretary's office was responsible for this clerical work, but, since that arrangement has proved to be unsatisfactory, it has now been arranged that His Honour's private clerk should undertake the work. When he has grasped the essentials there should be no more difficulty in this respect.

Hitherto there has been confusion with regard to the channels through which instructions reach schools and school managers, through which minutes are circulated and through which correspondence relative to returns, minutes of meetings, &c., find their way to the Inspector of Education. If these records are dealt with by the Assistant Commissioners (who should be in touch with matters educational) acting under instructions from the Government Secretary, then the Inspector of Education and his clerk are apparently relieved of some considerable trouble. But the resultant action, like that of a boomerang, ultimately recoils on the Educational Officer. For example, with regard to bursary applications, the sum of £1,000 was expended last year on boarding bursaries, on the authority of the various Assistant Commissioners, but without the cognizance of the Inspector of Education, except that a record of this expenditure appeared in the estimates of the Educational Department.

The four points considered above clearly indicate the urgent necessity for centralizing the activities of the new and expanding Education Department, for establishing it as an independent administrative unit and not as an accessory to some other department on which it may impinge but to which it is not subsidiary, and for equipping it with its own building and clerical accommodation (it always being understood that the staff must be responsible to a deputy during the absence of the Inspector of Education).

Finally it is suggested that, in addition to many other obvious advantages, it would be advisable to have an Inspector of Education in each of the Protectorates.

CHAPTER III.

European Education in Swaziland. (Primary.)

In an attached interim report* certain facts and figures relative to European education are given, but owing chiefly to the delay and inaccuracy of teachers in supplying data, the information there given is not as complete as it should be. These teachers need to be trained to appreciate the veracity of a scientific presentation of facts, and to make a prompt return of all information asked for. They will, however, doubtless improve from year to year.

The European population of Swaziland, which is divided into two parts by the Usutu River, may be taken as being approximately 3,000, of which about 1,800 people live in the portion generally known as southern Swaziland, and the balance of the population in the remaining division of the country, which is termed northern Swaziland.

Various historical causes have led to the settlement in southern Swaziland of a type of settler only too well known in South Africa to whom the name of "poor white" has been given. Mostly of Dutch origin and speaking Afrikaans, these

---

* Not printed.

families have gradually tended towards the Low Veld country where game at one time abounded, where sufficient dried meat (" biltong ") could be secured against a time of famine. Many still remain within the district, living in miserably squalid houses, and eking out a bare existence by means of a little tobacco growing; the occasional trading of a beast with a native, or some transport work, if a wagon and oxen can be borrowed (although with the advent of the motor bus the last source of revenue is gradually disappearing). Some have, however, risen superior to their environment. Generally, however, there are large families of children and the burden of educating the children falls almost entirely on the Administration. The importance of education as one, if not the only solution of the " poor white " problem is evidenced by information given to the writer by Dr. Malherbe, an educationist, a member of the Carnegie " Poor White " Commission, to the effect that, in every case out of the many investigated, the Commission has yet to find a " poor white " who had passed the Sixth Standard of a recognized school It thus becomes imperative for the Administration to see that every child of European parentage passes at least the Sixth Standard before leaving school.

This, although perhaps not actually defined in words, has undoubtedly been the aim of the Administration since 1903, and has led to the erection of the schools wherever they exist to-day. To the various officers of the Administration, who have represented the Government in southern Swaziland thanks are due that the position has not become really worse than it is. They have certainly kept the sore fairly clean and fit for treatment.

A survey of the schools during the year has convinced the writer that there is but little reason why, with the present available facilities, it should not be possible for every European child in Swaziland to have a reasonable chance of passing Standard VI before the end of its sixteenth year. Indeed, in a number of cases the child should pass Standard VI before it reaches the age of fifteen. Further, the standard achieved must be equal to what is expected, or is generally accepted, in all recognized schemes of education as sanctioned by educational authorities.

That but few children up to the present have in south Swaziland passed the Sixth Standard is due to a variety of causes, but amongst the chief I should place unnecessary retardation. This retardation has had various causes, but I believe the following to be the chief of these:—

(1) The inspectors who have visited the schools from time to time have made promotions based on the examinations, which have been held annually. No person visiting a school once a year is competent, on the result of a day's visit, to decide, on the results of tests then employed, whether a child should be promoted or not. His aim should be to satisfy himself that the school, as a whole, is working up to standard; that the teacher is capable and efficient. If he is not, to stimulate and by advice improve the calibre of the work, and finally to impress pupils, parents and teachers with the idea that he is a friend willing to advise and help, and not a terrifying visitor (*quid ignotum*) whose task it is to pass or fail. To the teachers should be given the task of recommending promotions, and too great a leniency or severity can easily be checked by the Inspector when he comes round to supervise the work. Quarterly examination questions and resultant marks can easily be checked when such visits are made. The above has been tried out in Swaziland during the year under review, and the results have been most satisfactory. Again, from the end of 1921 to the present day, five different inspectors inspected the schools, held examinations, and made promotions. Each of these men had of course his own standard in view, when examining the pupils (*tot homines quot sententiæ*), and it cannot be wondered at that teachers and children should become confused, and that there should be many failures. There must of necessity be some uniformity, and with this in view last year all pupils in Swaziland European schools took the Standard V and VI examinations as conducted by the Transvaal Educational Authorities, and our thanks are due to the Director of Education, Transvaal, for the facilities afforded.

(2) The second cause of retardation, namely, bad attendance, is the most difficult to deal with, for we have to deal with the apathetic parent.

There is a Compulsory Attendance Proclamation, and the Administration gives bursaries (boarding and travelling) to enable parents outside of the compulsory limit to send their children to school. All that can apparently be done is:—

(i) To enlist the aid of the teaching staff in exerting every possible influence towards making parents send their children to school.

(ii) To prosecute those who, living within three miles of a school, keep their children away from school without legitimate cause.

(iii) To deduct, in the case of boarding and transport bursaries, a certain sum of money for every day of non-attendance.

129

(iv) Some other causes of retardation have been:—poor teaching in the infant classes where the work of the grades has sometimes taken four years to accomplish instead of two, constant changes of text-books, lack of regular medical inspection, malnutrition, and, but only in a few cases, poor teaching and laziness on the part of teachers. Only in very rare cases should it be necessary for a child to spend more than one calendar year on the work of any one standard or class. The reason commonly put forward, that one teacher in charge of twenty-five children distributed over eight classes cannot deal adequately with the work, does not appeal to me as being a necessary cause of retardation. Such a teacher certainly has a difficult task to perform, but with a real vocation for his or her work, and with a will to work and under sympathetic skilled guidance, amazing results can be, and have been, secured.

Our chief educational work in Swaziland during the next few years, in addition to the points brought forward in the Interim Report on European Education, will be the gradual improvement of our small rural schools, and the following seem to be the points that should be considered:—

(*a*) As life in the rural districts is generally lonely for teachers, their home surroundings ought to be made as comfortable as possible. Much remains to be done in the territory before such provision can be regarded as satisfactory.

(*b*) As these country schools are either single or two-teacher schools, the number of classes to be taught should not be as large as in a fully staffed school. It should be in the power of the Inspector of Education to fix the upper limit of teaching.

(*c*) For teaching in a country school in Swaziland, special inducements should be available for qualified people, willing to undertake such work, both as regards pay and comfortable quarters (*vide* Interim Report*).

(*d*) Where possible it would be better to run a motor bus and have one flourishing school rather than two small ones.

(*e*) Free board and lodging at central hostels should be available for children for further education at central schools, and after the free list has been exhausted, reduced rates should be available for others. Thus country schools would limit their teaching to Standard IV or at most V, where two teachers were available.

(*f*) In order to assist this section of our education work special training should be given by means of annual vacation courses, where the teachers should be taught not only new methods but how to manage several small classes at once. This ability is not given to everyone but can be acquired. Such vacation courses are of undoubted value.

CHAPTER IV.

Equipment and Buildings.

The equipment, although somewhat primitive, is on the whole, adequate. It was, however, noticed that in quite a number of cases simple repairs which could have been affected by the teacher or some of the bigger boys had been left over until the Administration sent someone to do the work. This has now been rectified, and it has been impressed upon the male members of the staff that it is part of their work to teach the boys how to do simple repairs. To mend a broken bench, to replace a broken pane of glass or a broken sash cord, or to put a hinge on a blackboard easel should be taught to every boy at school.

The school buildings are, without exception, poor, and there has been no definite plan of school building for the territory. Sometimes, as at Schurwekop, Hluti, Driefontein, and Bremersdorp, old houses which have one or two large rooms available serve the purposes of school rooms, whilst at Mtambama and Ferreira Station we have barn-like structures. At Goedgegun there was a possibility of erecting something that would bear a resemblance to a normal school building, but local difficulties and petty dissensions have resulted in what the writer considers merely an eyesore. It is strongly urged that, whenever it becomes necessary to erect a new school building in any part of Swaziland as is soon likely to be the case in Bremersdorp, the school should be erected in accordance with a plan drawn up by some person skilled in school architecture. Unfortunately the writer's experience up to the present in Swaziland has been that one has only to mention the erection of a new school building in order, like an unwitting Aeolus, to liberate a thousand diverse suppressed hostilities in the

---

* Not printed.

eager pursuit and expression of which the real subject under discussion is totally overlooked.

Our best primary school building in Swaziland at the present time is an oblong brick building with plastered walls, a corrugated iron roof, sash windows wrongly placed, standing in a fenced-in portion of ground where long grass grows. The only other objects that relieve the bareness of the situation being two corrugated latrines which lean over at precarious angles.

Much remains to be done in beautifying the school sites. Grass should be cut down, a few flower beds should be cultivated and trees planted. There is no reason why the school grounds should be used as paddocks for transport animals, *e.g.* (the donkeys bringing the children to school). A small corner of the school ground could be fenced off for that purpose. At present our school buildings and school grounds in Swaziland are not things of beauty such as are likely to have a humanizing effect on the children.

CHAPTER V.

Secondary Education.

We have in northern Swaziland St. Mark's School, where there is a secondary department which prepares pupils for matriculation, and towards which school the Administration contributes £1,450 per annum. (This amount is in aid of the primary and secondary education.) This school is, however, under the auspices of the Church of the Province of South Africa, and is an English medium school. Whilst serving the needs of northern Swaziland it cannot be said to serve the needs of southern Swaziland, and, indeed, an ordinary parent of southern Swaziland would as soon think of sending his child to St. Mark's as he would of sending it to the Diocesan School, Rondebosch. Nor, indeed, is it in my opinion sound that a child from southern Swaziland should be sent to a secondary school where only an academic course leading to matriculation can be obtained. The word "matriculation" in South Africa possesses much the same merit as did the blessed word "Mesopotamia" to the elderly lady. The ordinary boy or girl all over Swaziland with a few exceptions is looking forward, not to a University career, but to a situation on the railways, in the police, as a nurse, as a clerk, or as a storekeeper or farmer, &c. Typing, book-keeping, a knowledge of the native language, farmwork, woodwork, housewifery, elementary agricultural science, commercial English and Afrikaans, commercial geography, physiology and hygiene, &c., &c., are what the young adolescent needs to fit him to-day for work in South Africa, and not a smattering of Latin, chemistry, geometry and algebra, such as will enable him to profit by a problematic University course. I feel, and feel strongly, that there should be in Swaziland a chance for a child who has passed Standard VI to spend at least two further school years in what might be termed a vocational or a commercial secondary school, and I should like to see such a school opened in southern Swaziland, possibly, at Goedgegun. I have also recommended that such a course should be run at St. Mark's parallel to the matriculation course. Where there is a combined secondary and primary school such as exists at St. Mark's, the need for results in the Matriculation Examination means the introduction of foundation work in such subjects as Latin or science in the primary curriculum which leads to the inevitable exclusion of certain essentials in the primary school code. By no means do I wish to decry the very excellent work done at St. Mark's, for it has certainly prepared many Swazilanders to take up important posts, or has opened up to them the avenues by which such posts can be obtained. The commencement of such secondary work as I have described in southern Swaziland would mean the appointment of probably two more teachers and the erection of a woodwork room, a domestic science room, and an extra classroom. The initial outlay on buildings and equipment would probably amount to £600, and the annual expense thereafter would be in the neighbourhood of £1,000 per annum, which would be less than at present is paid to St. Mark's.

Whilst dealing with secondary education it will not be out of place to outline the history of St. Mark's School. The school was founded by Archdeacon Watts in 1910. He spent £1,000 and subsequently an extra amount of £500 and another amount of £239 on the buildings, and the Administration guaranteed him interest on these amounts at the rate of 5 per cent.

During 1913 the Government built certain classrooms at a cost of £454 16s. 2d., and a certain number of school desks, &c., were purchased. Some repairs were

also carried out at Government expense. Subsequently, a headmaster's cottage was built by the Administration at a cost of £499, also two buildings for sick children at a cost of about £150.

The position as reported on in September, 1925, was stated to be as follows:—

"In return for a grant the school provides free secondary education for Swaziland children, and a conscience clause protects from any suspicion of religious coercion any children whose parents wish to avail themselves of it. The staff is paid from a Government grant of £1,400 per annum subject to satisfactory reports by a Government Inspector."

Recently a company assumed control of the institution, and on completion of the Memorandum and Articles of Association, which were approved, the Reverend Watts executed a Deed of Renunciation of his interest in the buildings, &c., which had cost him £1,739 as well as any claim against the Administration for interest on this sum. The Administration also renounced all interest in the buildings erected by the Government, and gave the St. Mark's Company ten stands in the Mbabane township free of purchase price.

At present, under the Articles of Association, the Swaziland Administration has the right to appoint members of the Council so long as it contributes not less than £1,400 a year to the funds of the Association, and should the grant be less than £1,400 a year the right to appoint Government representatives lapses.

In connexion with this grant by the Administration several points demand alteration:—

(1) In the phrase "free secondary education" the connotation of the word "free" needs to be considered, as it may mean the supply of free text books.

(2) If secondary education is free would it be competent for the school authorities to demand tuition fees in the primary school?

(3) The Administration has at present no means of knowing how the grant is actually expended.

These matters are not of urgent moment, but need to be kept in view.

Already in Swaziland for a sum of approximately £1,000 per annum a primary school with a staff of four teachers and an enrolment of about 130 pupils has grown up at Goedgegun, and has done very successful work, and an extra £450 would aid considerably in the promotion of secondary work at that centre. Further, it would mean that there would be in Swaziland a secondary school with an industrial bias, which would cost the Administration approximately the same amount as is paid to St. Mark's. The establishment of secondary work in Swaziland will certainly be appreciated by the European population in that locality who have long considered that a large sum of Government money was being spent on a school which does not meet their special educational requirements, as regards language, &c., and they have had to send their pupils out of Swaziland.

Appended is a full report* on St. Mark's School, which advocates the widening of the basis of secondary work at that centre. It is hoped that the same widening will be possible at the Goedgegun school, so that the education given at both centres will fit the pupils functionally for life, but at the same time assure them a certain social cachet.

CHAPTER VI.

Bursaries.

There are at present two types of bursaries: (1) a boarding or travelling bursary which is a small grant made to parents to obtain boarding for their children near day schools, or to enable them to travel to such schools, and (2) grants actually paid to Europeans to enable them to send their children to schools for secondary education, i.e., either to St. Mark's or to other schools outside Swaziland.

I would now suggest that the amount to be paid out in boarding bursaries should be definitely limited in the case of each district, the total not to exceed £500, and that the following bursaries should be awarded each year:—

Five to the most successful pupils in the Standard V examination and five to the most successful pupils in the Standard VI examination, provided that the application be made to the Assistant Commissioner of the district within which the parents reside, and provided that he considers that their financial circumstances are such as make

* Not printed.

it necessary for them to receive aid from the Administration towards the prosecution of their secondary work. These bursary applications should be considered by a Board consisting of the Government Secretary, the Financial Secretary, the Director of Education, and a Member of the Advisory Council, who would take into consideration the work done by the pupils in the annual examinations and the ages of the candidates, and the awards could then be made and the bursaries awarded could, under certain conditions, remain enforced until the end of the year in which the pupils attained the age of eighteen.

It is further suggested that once in three years a scholarship should be awarded alternatively to boys and girls educated in a Swaziland primary school who had passed Matriculation, to enable these boys and girls to be trained for two years at a recognized training centre. It is suggested that the scholarship should be worth £80 per annum, and that before the candidate received this financial assistance his or her parents should sign an agreement to teach for a period of five years in a Swaziland school at the scale of salary operating, and should repay by means of instalments the money advanced for training or a portion of it such as shall be determined.

CHAPTER VII.

General.

On looking back over the year it cannot be denied that progress has been made. The schools have all been visited and reported upon, and the advice given to the teachers has brought in abundantly improved work and greater keenness. The departmental examinations in Standards V and VI at the end of 1929 showed that at some schools the work compares most favourably with work done at other schools in the neighbouring Provinces. Again the teachers have been encouraged to accept more definite responsibility for the work of their pupils, and this means less retardation. In fact, the year has been a year of consolidation. Throughout the coming year matters that will receive particular attention are :—

(1) The standardizing of all text books.
(2) The repair and improvement of school premises.
(3) The introduction of post-Standard VI work at some centre in southern Swaziland.
(4) The embellishment of school grounds.
(5) The establishment of definite medical inspection of all school children.
(6) A vacation course for European teachers.
(7) The stimulation of interest in maize competitions and tree planting.

The Aims of Native Education.

In the 1929 report the Director of Native Education in Southern Rhodesia, commenting upon the lack of clarity and general agreement as regards the aims of native education, and explaining that the mark has been missed because there was never a mark set up at which to aim says, *inter alia* :—

> "It would not be difficult to show that different churches and nationalities have propounded or been influenced by inadequate and discarded aims, which by infiltration from the past survive to-day, with a deleterious effect upon outlook and procedure. Examples of this would be the emphasis placed upon moral or mental discipline, the distinction between "liberal" education for the European and "illiberal" for the native; the consideration of education as the handmaid to life hereafter, or the conviction that all schools must subserve church work and be the first and last *pro ecclesia*. To postulate this by no means signifies that a stigma should be attached to those concerned. They were walking by the light they had, and by it they walked long and faithfully. Incidentally the study of European systems whether indigenous or transported, would reveal the acceptance of similar aims with resulting weaknesses. The experience in the Church in Rhodesia as elsewhere was that "in order to stabilize the faith of converts and to assist in character development it was necessary that they should be able to read the Scriptures or other books of religious instruction translated by the Missionaries." (*Vide* Section 228, Native Education Commission's report, 1925.)
>
> This involved learning to read, and with the spread of missionary effort, the further training of Evangelists and Pastors."

These remarks of the Director apply of course with equal force to Swaziland, where 17 different denominations are at work. And, as in Rhodesia so in Swaziland,

it is most essential that a mark at which to aim should be set up by the Administration. The policy at the moment is best indicated by setting out in full the following excerpt from the Memorandum on "Educational Policy in British Tropical Africa" by the Advisory Committee, and presented by the Secretary of State for the Colonies to Parliament in March, 1925, where we read that :—

> "Education should be adapted to the mentality, aptitude, occupations and traditions of the various peoples, conserving as far as possible all sound and healthy elements in the fabric of their social life; adapting them where necessary to changed circumstances and progressive ideas, as an agent of natural growth and evolution. Its aim should be to render the individual more efficient in his or her condition of life, whatever it may be, and to promote the advancement of the community as a whole through the improvement of agriculture, the development of native industries, the improvement of health, the training of the people in the management of their own affairs and the inculcation of true ideals of citizenship and service. It must include the raising up of capable, trustworthy, public-spirited leaders of the people belonging to their own race."

The revised syllabus, which is now in the printer's hands, makes ample provision for the teaching of the vernacular, craftwork, agriculture, nature study, and hygiene, and text books have been suggested which contain matter likely to be of interest and of value to the children. In fact the code is arranged so as to assist pupils in wrestling with difficulties of their environment and to equip them in some measure to satisfy their legitimate economic needs and social aspirations as natives, making full use of the setting in which they are placed. We must protect them from such things as the alleged buying of paraffin 3s. 9d. a gallon, when petrol in the same locality is sold at 3s. or 3s. 3d. a gallon. Indeed, as was suggested by the Principal Veterinary Officer, there should be in all schools a list of the ordinary prices of all commodities so as to guide the native in both buying and selling.

On two points it will be necessary to place special stress :—

(1) *Improvement of Health.*—This to a certain extent can be aided both by example and precept within the school, but to a greater extent will it be aided by the training of native nurses at some of the hospitals which we have in Swaziland. The training, however, must be along lines approved by competent medical authorities. It is urged, and has already been mentioned earlier in this report, that this year the Administration should finance the training of eight such nurses at a cost of £25 per annum each, which means a total expenditure of £200. It will be money well invested! Since the writing of this report it has been found impossible to make financial provision for the training of more than four such nurses.

(2) *Training of Leaders.*—The basis of chieftainship is in Swaziland hereditary, and is likely to remain so. The writer thinks that it would be well worth while forming at some future date a class at the New National Institution where the sons of chiefs, after completing their ordinary school course might be trained specifically for their work as chiefs. The contents of such a course should include :—Native Administration in Africa, Village Hygiene, Elementary Civics, Relationships that should exist between chiefs, Missionaries and Officials; Court procedure and elementary law; Agriculture, &c., &c. Such a course would be of great value to them and to the Administration in their subsequent work.

With the revised code for the schools, with the possibility of securing a supply of trained native nurses, and with attention to the training of future native chiefs, we may feel that native education in Swaziland is now definitely aiming at the mark which was set up in the 1925 Memorandum. We have, at any rate, a target, and all that is now required is that we should improve our somewhat poor weapons and find the right range.

It would not be right to close this section of the report without reference to two educational agencies which have done much for the indirect education of the Swazis in a quiet and unostentatious way. I refer in the first place to the excellent medical work which is being conducted entirely voluntarily in connection with the Wayfarer and Pathfinder (Girl Guide and Boy Scout movements among the natives). These are two movements that should receive every encouragement. Probably these two agencies have done more work of real educational value in Swaziland than even the schools. Finally, I should like to thank in particular three officers of the Administration, who have devoted so much of their keenness and enthusiasm to the cause of native education, and who have helped me with their wide experience, not only of native affairs, but of native administration. I refer to Mr. T. A. Steward, Assistant Commissioner of Mbabane, Mr. W. Elder, O.B.E., F.R.C.V.S., Principal Veterinary Officer, and Mr. S. B. Williams, Deputy Assistant Commissioner, Bremers-

dorp. To them largely was due the inception of the New National School for the Swazis. Also, I wish to acknowledge all the help and consideration that I have received from Sobhuza II. Paramount Chief of the Swazis.

Native Education.

Prior to the writer's arrival in Swaziland at the beginning of December, 1926, there had been no Department of Education, and there was practically no data obtainable on which to work or on which to base reasoned proposals for the readjustment of native education. All that it was possible to ascertain was that there were seventeen different religious denominations conducting school work amongst the Swazis, which work was subsidized by the Administration to the amount of £2,250 per annum, the grant being paid out on a basis proportional to the yearly attendance certified by each Mission. There was further information available to the effect that there were 171 schools sharing this grant-in-aid, with a total attendance of 4,600 children, and that there was a Government School at Zombode, the National Home of the Swazi people. At this school, it was gathered, there was a demand for secondary education, and that financial provision for a Secondary School teacher had been made on the estimates of the Swazi National Fund. Beyond the above facts, and the knowledge that each year when a school inspector visited the Territory, such time as was left over from the inspection and examination of European schools was made available for an inspection of the larger and more accessible native schools, nothing definite could be ascertained.

A *questionnaire* to Missionaries conducting educational work, much travelling, and the visiting of native schools, together with numerous interviews with Europeans and natives, soon, however, placed before one's vision a picture, albeit a very incomplete picture, of native education in Swaziland, and put one in possession of numerous interesting facts. In order to deal promptly with this situation an interim report* was drafted—a copy is attached to this report—and was placed before His Honour on 3rd March, 1929. In it certain recommendations were made. After a study of the report referred to, His Honour decided to call together the heads of the various Missions working in Swaziland in order to hear the report read, and to discuss and consider the recommendations. Eventually the meeting was held at Bremersdorp on 9th April, 1929. At this meeting, it was proposed to the Missions that the grant-in-aid paid by the Administration should be entirely devoted to the payment of teachers' salaries at as many schools as the grant would suffice for and in accordance with a scale and plan of selection laid down by the Inspector of Education. The Missions considered this to be too sudden a change, and pleaded that half the grant should be thus utilized and that the remaining half of the grant should be used for the financing of the remaining schools. This was agreed to by His Honour, who stated that another meeting would be held towards the end of the year to discuss the working of the new scheme. At the same meeting, and on the advice of His Honour, those present formed themselves into a Board of Advice on Native Education. At the subsequent meeting, the missionaries expressed themselves as being satisfied that the new scheme of grant payment was working satisfactorily, and suggested that increased proportion of the grant should be used in the same way, provided more financial aid could be obtained from the Administration, and at that point the matter rests for the present. There are, however, other points of interest. During the year the Native Schools Syllabus has been entirely revised and is now in the printer's hands. A calendar for the use of Native Schools in Swaziland has been introduced, and finally the Administration has appointed a fully trained and experienced teacher to visit the schools, to supervise the work and to demonstrate to the teachers proper methods of teaching.

The Director of Education, Tanganyika, stated in his 1927 report, that:—"The attainment of standard is not the work of a moment, and the neglect of years cannot be bridged in a few months." That remark certainly applies to Swaziland, but we can say that during the last fifteen months this department has managed to secure real contact with all those in Swaziland who are desirous of helping to solve the apparently never-to-be-solved problem of native education in Swaziland, and that this problem is now being seriously attacked. Since the interim report referred to was written it has been ascertained that there are 207 native schools in Swaziland, which total includes the two Government Native Schools at Zombode and Lobamba respectively. At these native schools there is an enrolment of approximately 5,000

* Not printed.

132

native children. The distribution of the native schools in respect of the Magisterial Districts is as follows:—

	On private Property.	*On Native Area.*	*Total.*
Mbabane	17	43	60
Bremersdorp	3	5	8
Ubombo	6	24	30
Pigg's Peak	4	14	18
Mankaiana	—	12	12
Hlatikulu	13	66	79
		Total ...	207

From the above statistics we see that at each Swaziland native school there is an average of 23 pupils in attendance. Therein lies, I think, one of our biggest problems for consideration. *We have too many small schools in Swaziland*, and I would add too many small schools too close to one another. Instances could be given of groups of three native church buildings (which generally have a school attached) all in one country area which are within three miles of one another, indeed, in some cases within 500 yards. Denominational zeal has outrun discretion to the detriment of native education. One has no hesitation at all in stating that less than half the present number of schools, properly financed, controlled, and distributed would serve the present needs of the Swazis with much greater efficiency. Many of the small schools have actually been visited by the writer, and a few details are given:—

School (1). Visited at 10 a.m. Five children in attendance. No equipment except one bench. No time table and only four charts. Teacher a girl, professes to have passed Standard I.

School (2). Visited 11 a.m. Four children in attendance. School held in a round thatched hut, but very much the worse for wear. Equipment, one blackboard, but there are no desks or benches. Teacher a girl, has passed Standard II. No time table in use.

School (3). Visited at 9.40 a.m. School held in broken down sod building and almost in state of collapse. Seven pupils were in attendance. Eight on previous date. Teacher has passed Standard III. Equipment consisted of two paraffin boxes as benches. No time table in use. One blackboard, but there is no chalk.

The above are certainly specially selected as bad examples, and there are a number of schools where quite promising work is being done, but speaking generally, I am satisfied that a large number of these small schools should not be subsidized by the Administration. Also it is considered that no aid should be given in respect of night schools in the rural areas, and that attendance at night schools should not be taken into consideration in the financing of Mission schools.

These small schools controlled by unqualified teachers are known as Class I schools (Bush Schools). They are not intended to give instruction beyond Standard I, and the following recommendation in respect of their recognition is made:—

Recommendation.—In order to improve the present position it is suggested that the Administration should continue to subsidize such of the schools as already come on the list of schools working under the new scheme—such schools would form a nucleus on which to build the scheme—but should permit no other school to be considered eligible for a grant-in-aid until they could show:—

(1) That the average attendance for the last two quarters has been sixteen or more, exclusive of any night school attendance.
(2) That the head teacher possesses a Standard V or Standard VI qualification. (In very special cases a lower qualification may be allowed.)
(3) That there is a building which is sufficiently hygienic and in good repair, and which allows for an area of twelve square feet of floor space for each pupil in average daily attendance.
(4) That there is seating provision for all pupils, a table, a chair, a cupboard with lock and key, and a blackboard and chalk, a time piece, and a bell.
(5) That pupils are provided with the necessary slates, pencils, and reading books, and that there are Zulu and English reading sheets for the infants.
(6) That there is provision for teaching needlework and hand crafts.
(7) That the building is distant at least three miles from any other aided school.
(8) That school hours extend over not less than four hours per day, of which twenty hours a week are devoted to approved manual training.

Should any Mission have schools which meet the requirements given, and so justify inclusion on the list of aided schools, then application should be made to the Assistant Commissioner of the district within which the school falls for a "New School" form. This form should be filled in, and when completed returned to Assistant Commissioner of the district, who would, if he thought it necessary, visit the school, and report to the Administration as to whether or not he considered that the new school should be added to the aided list. Final decision should rest with the Inspector of Education, and should he approve of the school, grant-in-aid on the basis of £6 per quarter for the teacher's salary would be paid as from the beginning of the financial year within which the application was made. The number of such schools accepted would of course be in accordance with the financial provisions of the Department. For the coming year I would suggest the acceptance of twenty at an expenditure of £480. In the case of Class II schools I would make the same plan operative, but the conditions governing the acceptance of the school for aid purposes would be somewhat more stringent. The following conditions are suggested:—

(1) That the head teacher must be in possession of a Teacher's Certificate, and must not be under eighteen years of age
(2) That the average attendance for at least two consecutive quarters has been 25 or over (no night school attendance to count).
(3) That the school building must be well lighted, ventilated and roofed, and be kept in a clean and satisfactory state, and that there must be accommodation of at least 12 square feet of floor space for each child on roll.
(4) That the equipment must comprise seating accommodation for each child, desks for all above Standard II, a table, a chair, chalk and blackboard, and a bell, and that suitable provision must be made for the safe keeping, under lock and key, of registers, log book, &c. There must be a time-piece and a few necessary gardening tools.
(5) That the pupils must be provided with the necessary slates, pencils and reading books, and that there must be Zulu and English reading sheets for the infants.
(6) That the building must be distant at least three miles from any other aided school.
(7) School hours must not be less than five a day and of the 25 hours per week, five must be devoted to manual work prescribed by the Department.

The same procedure as with Class I school would be adopted in dealing with applications for the placing of Class II schools on the grant lists. At these Class II schools the work would be from the lowest classes up to and including Standard IV, and the teachers would have to hold either a Third Grade or a Second Grade Teachers' Certificate. Salary grants would be on the basis of £52 10s. 0d. per annum for a third-grade teacher and £60 per annum for a second-grade teacher. If ten more schools were permitted this year, in addition to the group which has already been established under what is known as the "New Scheme," there would be an expenditure of an extra £600 per annum, supposing the teachers were all possessed of a Second Grade Certificate (which is unlikely to be the case).

At Class II schools where there has been for two consecutive quarters an average of 45 or over, provided the building had the necessary accommodation, the question of an assistant teacher might be considered, but I do not consider that the Administration should consider the appointment of more than five. Such assistants who must have passed Standard VI would be entitled to a salary of £24 per annum. A drop in the attendance below 45 would automatically cancel the authority to employ an assistant.

The above suggestion for the allocation of future grants-in-aid to Class I and II schools will aid in the solution of a difficulty which is looming on the horizon. This difficulty is that there is a desire amongst the native people themselves to establish their own schools independent of any Missions, in fact to establish tribal schools under purely government control. This is perfectly natural growth and is generally recognized throughout Southern Africa. Under the above scheme it would be quite competent for a native chief who possessed within his area what he considered a suitable school to approach the Administration for aid on its behalf.

At the end of the present year it is intended to organize an examination of all pupils in Standard IV, and successful pupils will be given a signed report card which will show the standard achieved in various subjects. Should the pupil wish to enter a Standard V class it will be necessary to produce the Standard IV pass card before admission into Standard V at any school will be possible.

183

There is now left a group of about five schools in various parts of the country where, what may be termed intermediate work—work with Standards V and VI—is being attempted. Such of these schools as are known to the writer are:—

(1) Mbuluzi School for girls (Mbuluzi), South African General Mission.
(2) Frenson Memorial School (Mhlotsheni), Scandinavian Alliance.
(3) St. Joseph's School (Bremersdorp), Roman Catholic.
(4) Nazarene Mission (Pigg's Peak).
(5) Mahamba School (Mahamba), Wesleyan School.

These schools have for a considerable time been attempting work with Standards V and VI, and from them the Missions have drawn teachers for the smaller schools. Further, in most of them there are boarders. One hesitates to finance these schools when so much is required for the ordinary small schools of Swaziland, especially when there is provision for boarders at the Zombode School. The work at these schools is distinctly good, and it has been arranged that they should work in accordance with the Natal Code for Standards V and VI, and that pupils should take the Natal School Leaving Certificate at the end of Standard VI course. This was done at the end of 1929 at the Zombode School.

After having given the matter very considerable thought, the writer thinks that it will be sound policy, in view of the fact that the Administration has, perhaps unwittingly, allowed this work to develop to its present extent, to give a grant to the first four institutions, if applied for, on the following conditions:—

Class III:—

(1) That there is at the school a European in continuous residence.
(2) That there is in sole charge of the classes either a qualified European teacher, or a native teacher with a First Grade Certificate.
(3) That the School can show that in the two classes there has been for two consecutive quarters a minimum average attendance of at least 15 Swaziland pupils who possess evidence of having passed Standard IV.
(4) That the boarding accommodation for such of the pupils as are boarders is adequate and hygienic, and that proper arrangements are made as regards food and lighting
(5) That the classrooms, desks, blackboards, and other necessary equipments are really satisfactory.

The salary grant to a teacher at such a school should not be less than £70 per annum—the Administration thus being liable for a maximum of £280 per annum.

The amount of money involved in carrying out the above suggestions, additional to the amount utilized already in financing the 40 schools already under the "New Scheme" costing £1,250, would be as follows:—

	£
20 Class I schools at £24 per annum each	480
10 Class II schools at £60 per annum each	600
4 Class III schools at £70 per annum each	280
5 Assistant Teachers at £24 per annum each	120
Total ...	£1,480

Already we have on the estimates £1,000 from General Revenue, an amount of £1,400 from the Swazi National Fund, and every hope of a further £2,000 from General Revenue, giving a total amount of £4,400 for the financing of schools under the control of Missions. If we allow a total of £2,500 for the financing of the Mission Schools we are left with a balance of £1,950. Of this amount I recommend that £450 should be returned to the Swazi National Fund for use at the New Zombode Institution, and that the balance, less the salary and allowances for the Native School Supervisor and the expenses of nurse training at Bremersdorp and Mahamba, should be left as a contingency fund.

For the expenditure of £2,500 we shall have in Swaziland a group of about 70 schools, under teachers who have fair qualifications. They will be on sites that have been approved by the Administration; they will be properly equipped; and it will, with the supervision of one inspector and one native schools' supervisor be possible to organize and control the work properly. Further, it is considered that these 70 schools will suffice for the educational needs of Swaziland for the next five years.

As regards the provision of education beyond Standard VI it is considered that no facilities should be provided except such as will be obtainable at the New National Training Institution, where this year it is intended to start two courses of instruction, one of which will, with a certain amount of training in woodwork, agriculture, and

domestic science, lead ultimately to the Junior Certificate of the University of South Africa, the other to the training of natives in agriculture and general farm work. For the carrying out of this work the Paramount Chief of the Swazis has set aside about 150 acres of suitable land, and already the houses, classrooms, creamery, &c., are in process of erection, the work being done by natives, who at the expense of the Swazi National Fund have in years past been sent to institutions in the Union of South Africa where such training could be obtained. At this site, which is near to the Kraals of the Paramount Chief, and which faces the Mdimba Mountains, around which clings all that is most sacred in Swazi tradition and history, it is hoped to build up an institution which will be the pride of the Swazi people. There, ultimately, it is hoped to have a training college for native teachers, classes wherein future native chiefs may be trained in work which they will have to do, and numerous other classes for instruction in such things as commercial work, leather work, &c. At present a strong committee, composed of the Assistant Commissioner, Mbabane, the Principal Veterinary and Agricultural Officer, the Inspector of Education, the Paramount Chief, and two other native chiefs advise His Honour as regards the institution, and the whole of the work, which includes the Primary School at the Zombode Kraal, and the Lobamba School, at the Kraal of the Chieftainess Lomawa, is under the immediate supervision of a European Principal, who has been seconded from the head teachership of one of the Swaziland European schools. Formerly, Swazi youths who stood in need of secondary education were financed to the extent of approximately £50 each per annum to enable them to go to institutions in the Union of South Africa, but now it is hoped that it will be possible to give them the necessary education within their own territory.

Coloured Education.

The term coloured in this connexion connotes what are generally known as the half-castes. As in most Southern African countries, so also in Swaziland, we have this problem to deal with. Fortunately for the country two men, the Venerable Archdeacon Watts, M.A., and the Rev. W. Dawson, the former of the Church of the Province in South Africa and the founder of St. Mark's School for European children, the latter a member of the Scandinavian Alliance Mission, early saw the necessity of doing something for the half-castes, and two boarding schools were established, the one at Florence Mission Station (Scandinavian) in southern Swaziland, and the other at Mpolonjeni (Church of the Province) in northern Swaziland. The latter, when Archdeacon Watts, two years ago, left Swaziland, was moved to Endhlozana in the Transvaal, but close to the Swaziland border.

To both institutions block grants are given—£300 per annum to Florence Mission Station and £400 to Endhlozana. That the money is well spent there is no doubt, for at both institutions the pupils are boarded, are given a sound elementary education, and are taught trades. They differ however in two essentials. At Florence the coloured children are taught apart from the natives, whilst at Endhlozana they are taught in school together with the natives. There are, therefore, two divergent policies, and the writer feels that the latter is the more satisfactory, but is merely a matter of opinion. No interference with present policies is advocated, but it will be more economic to encourage coloured children, whenever possible, to attend the ordinary native schools.

In the case of Endhlozana, seeing that the Transvaal Department of Education finances the whole of the teaching work, it is suggested that the basis of grant be as follows in future:—£12 per annum to be paid for every coloured child from Swaziland, between the ages of seven and sixteen, who attends the institution as a boarder, the grant to be contingent on there being a minimum of ten children in attendance and a maximum only of twenty-five children. Thus the maximum payable to the two institutions will be of the same amount.

Conclusion.

In closing this report it is only fitting to refer to the work of the Venerable Archdeacon Watts, M.A., who, on account of his tireless efforts on behalf of education for Europeans, coloured, and natives, may well be styled the pioneer of education in Swaziland. My thanks are also due to the Government Secretary and the Assistant Commissioners, together with members of the European Advisory Council, the Missionaries, and the natives for their patience and forbearance with a newcomer to Swaziland.

The year under review has, to a large extent, been a survey year, but the results of the survey have indicated that there are problems in Swaziland education which are well worth solving, and in the solution it may be that we, in this small territory, may be able to contribute our small mite towards the solution of what is the Empire's greatest problem in British Africa, and that is the uplifting of the mass of African peoples, irrespective of race, colour, or creed.

My gratitude for the personal counsel and co-operation of Your Honour, cannot be adequately expressed. Without such counsel, co-operation and friendly aid the year would have been most difficult and the pitfalls many.

H. J. E. Dumbrell,
Inspector of Education.

10455/2.

No. 120.

DESPATCH FROM THE HIGH COMMISSIONER, SOUTH AFRICA, TO THE RESIDENT COMMISSIONER, SWAZILAND.

(Copy received in Dominions Office on 9th March, 1931, under cover of High Commissioner's despatch No. 120 of 20th February, 1931.)

(No. 263.)

Sir, High Commissioner's Office, Cape Town, 20th February, 1931.

I have the honour to acknowledge the receipt of your despatch No. 49 of the 2nd February* forwarding the Annual Report of the Inspector of Education for the year 1929. I have read the Report with much interest, and I should be glad if an expression of my appreciation could be conveyed to Mr. Dumbrell.

2. I concur generally in the views expressed in your despatch.

I have, &c.,
R. M. Burmester,
High Commissioner

---

* No. 119.

Printed under the authority of His Majesty's Stationery Office,
by Mercher & Son, 8, Princes Street, Westminster, S.W.1.

S.A.H.S. Terr.—Gp. 6. 18486/2930. 40. 3/33. (6).